



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by Andorra under article 35 of the Convention, due in 2016

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I. Introduction

General political and legal structure

1. The people of Andorra voted on the text of the Constitution on 14 March 1993. As a result of this referendum, the Constitution of the Principality of Andorra was adopted as the supreme law of the national legal system.
2. As stated in article 1 of the Constitution, Andorra is an independent democratic social State under the rule of law. Its official name is Principality of Andorra.
3. The Principality of Andorra is a parliamentary co-principality, a unique model in which, since the Middle Ages, two Co-Princes have jointly and equally shared sovereignty over the territory of Andorra.
4. This institution, which has its origins in the ancient texts of the *Pareatges*, or feudal charters, as they evolved throughout history, is headed by the President of the French Republic and the Bishop of Urgell.
5. Under the institutional tradition of Andorra, the two Co-Princes are the joint and indivisible Head of State, which they represent at the highest level.
6. The Co-Princes are the symbol and guarantor of the permanence and continuity of Andorra as well as of its independence and its enduring tradition of parity and stability in its relations with neighbouring States. The Co-Princes also express the State's acceptance of its international commitments and oversee and monitor the work of the Government and its institutions. They are kept informed about State affairs but are not responsible for the actions of the Andorran authorities.
7. The people of Andorra are represented by the Parliament (*Consell General*), which ensures that the diverse population is equitably represented, and by seven parishes, which are the administrative divisions of the territory. The Parliament, which is elected to four-year terms in universal, free and equal elections by direct and secret ballot, exercises legislative power, adopts the State budget and promotes and monitors the political actions of the Government (*Govern*).
8. The Government is made up of the Head of Government (*Cap de Govern*) and the ministers, the number of which is established by law, who direct the country's national and international policies. It also directs the administration of the State and exercises regulatory authority. The Head of Government is elected by the Parliament and subsequently appointed by the Co-Princes, as provided in the Constitution. Except in a few special situations, the mandate of the Head of Government ends at the same time as that of Parliament, and he or she may not serve more than two consecutive full terms.
9. The parish councils (*comuns*) are representative bodies that administer the parishes (*parròquies*); they are public authorities with legal status and authority to issue local regulations, subject to the law. The parish councils exercise their authority in accordance with the Constitution, the law and tradition, and they operate according to the principle of self-government, as recognized and guaranteed by the Constitution. They represent the interests of the parishes, approve and implement the parish budget, determine and implement local policies in their sphere of competence, and manage and administer all parish property, whether public or private or part of the national heritage.
10. Legislative action is taken by the Parliament and the Government. Three parish councils acting jointly or one tenth of the country's registered voters may submit bills.
11. Finally, justice is administered on behalf of the Andorran people only by independent judges with security of tenure who perform their judicial duties subject only to the Constitution and the law.
12. As regards governance, the Constitution provides for a clear separation of the executive, legislative and judicial branches, thus establishing a fundamental legal

framework for ensuring and sustaining democracy and the fundamental freedoms which are rooted in the history and tradition of the Principality.

13. Article 5 of the Constitution provides that the Universal Declaration of Human Rights is binding in Andorra. Article 3 (4) of the Constitution stipulates that all treaties and international agreements are incorporated into the domestic legislation as of the date of their publication in the Official Gazette of the Principality of Andorra. They may be repealed, amended or suspended only in accordance with the terms of the treaty or agreement itself or the general rules of international law, as stipulated in article 23 of the Qualified Act on Action by the State in respect of Treaties of 19 December 1996. The Principality of Andorra has therefore adopted a system in which treaties take precedence over ordinary laws and are directly applicable in domestic law.

Legislation on disability

14. Andorran legislation on social aid and health traditionally envisioned persons with disabilities as beneficiaries and provided them with assistance and support. The first law establishing the right to specific benefits for persons with disabilities was the Act of 14 October 1983, establishing a Pension for Adults with Physical and/or Mental Disabilities. The Act, which established a lifetime pension for persons with some degree of disability, remains in force for those persons who received it prior to the regulation and establishment of new solidarity pensions for persons with disabilities that is provided for in article 20 of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002.

15. The adoption of the Constitution of the Principality of Andorra is a milestone in the recognition of the rights and freedoms of the people of Andorra. As noted above, the first article states that Andorra is an independent democratic social State under the rule of law which upholds the validity of the Universal Declaration of Human Rights. In addition, as the supreme law of the domestic legal system, it lays down the framework for defining the rights and duties of individuals, recognizes that human dignity is intangible and accordingly, guarantees the inviolable and inalienable rights of all persons, which are foundational to the political order, social peace and justice (art. 4). It establishes the equality of all persons before the law and prohibits all forms of discrimination, stipulating that public authorities must create conditions for ensuring that equality and personal freedom are real and effective (art. 6).

16. Respect for the Universal Declaration of Human Rights and the proclamation of fundamental rights, as well as political, economic, social and cultural rights, are the mechanisms whereby persons with disabilities are guaranteed constitutional recognition of their basic rights and freedoms.

17. The new constitutional framework and the admission of the Principality of Andorra as a full member of the United Nations made it possible to ensure that disability programmes would adhere closely to the provisions and recommendations established by the United Nations for its Member States. The Act Guaranteeing the Rights of Persons with Disabilities incorporates the social concept of disability adopted by the General Assembly of the United Nations on 3 December 1982 in the World Programme of Action Concerning Disabled Persons, as well as the terminology (impairments, disabilities and handicaps) and principles (participation, prevention, rehabilitation and equality of opportunities) of that Programme, which recognizes the rights and duties of this category of citizens.

18. Prior to passage of the above-mentioned Act, the Parliament had adopted the Accessibility Act of 6 April 1995, which represented a very important step forward in regulating the right of persons with disabilities to have access to different environments through the removal of existing architectural barriers and the establishment of future accessibility standards.

19. Our country's firm commitment to the rights of persons with disabilities became all the more evident with the signature and ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, on 27 April 2007 and 11 March 2014. The Convention entered into force on 10 April 2014. As a result of this international

commitment and the sincere will of its leaders, Andorra has assumed and is implementing its obligations under the Convention.

20. The Social and Health Services Act was adopted on 24 April 2014, making it possible to organize, structure and expand the system of social and health services. The Act also updated and consolidated the rights of persons with disabilities to these services.

21. The seventh additional provision of the Social and Health Services Act directed the Government to prepare a report on bringing Andorran legislation in line with the Convention and, within a year and a half, to draft a bill incorporating the necessary changes. In the process of carrying out this task, the Government was to seek the views of entities that represent persons with disabilities through the National Council on Disability created by article 30 of the Act Guaranteeing the Rights of Persons with Disabilities.

22. In addition, arrangements have been made for services to be provided through cooperation agreements with agencies representing persons with disabilities, in particular Our Lady of Meritxell Special School, which, despite its name, works not only in the field of education, but also in all areas related to disability: health services, early intervention, support for inclusive education, residential care and independent living. It also provides social services such as occupational workshops, supported employment and job placement.

23. The Government has also signed a cooperation agreement with the Andorran Federation of Associations of Persons with Disabilities whereby it undertakes to cover the basic costs of facilities and management and to provide annual grants for projects and activities.

Demographic data

24. At the end of 2015, Andorra had a population of 73,105 inhabitants.¹ According to data from the National Disability Evaluation Commission and the Andorran Social Security Fund, the population of persons with disabilities is estimated at 3,746 persons, i.e., 4.7 per cent of the total population.²

Information on preparation of the report

25. The Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties contained in document HRI/GEN/2/Rev.6 of 3 June 2009, and the Guidelines on the treaty-specific document to be submitted to the Committee on the Rights of Persons with Disabilities set forth in document CRPD/C/2/3 of 18 November 2009 were taken into account in the drafting of the present report. The process established in the seventh additional provision of the Social and Health Services Act was also followed. To begin with, the ministries responsible for disability-related matters and the Andorran Social Security Fund conducted a review and analysis of Andorran legislation and regulations pertaining to the Convention with a view to identifying those rules that needed to be changed and brought in line with the Convention.

26. The report was then shared with agencies that work with persons with disabilities through the National Council on Disability and with service providers, which made suggestions and comments on adjustments that should be made to regulations relating to the Convention.

27. On 22 February 2016, a preliminary report entitled *Informe sobre la adecuación de la normativa andorrana al CDPD* (Report on harmonization of Andorran legislation with the Convention on the Rights of Persons with Disabilities) was issued. The report reviews all laws relating to the articles of the Convention and identifies the changes that should be made.

¹ For additional demographic data, see: <http://www.estadistica.ad/serveiestudis/web/fitxa.asp?id=77>

² For additional information on disability, see: <http://observatorisocial.ad/web.php>.

28. This new document was shared, discussed and further improved with input from the agencies that work with persons with disabilities, the relevant Government departments, the Andorran Social Security Fund and other public entities concerned.

29. On the basis of all these studies, a bill on urgent measures for implementation of the Convention on the Rights of Persons with Disabilities was drawn up. The bill was endorsed by the Government at a meeting held on 29 March 2017 and submitted to Parliament during that same week. The text of the bill is attached as annex 1 to this report.

30. To begin with, the above-mentioned bill covers the most pressing measures that must be implemented immediately in order to bring the legislation on disability in line with the Convention. In several final provisions, the Government is instructed, within a reasonable period of time, to study and draft legal provisions and develop the operating tools needed to resolve the more complex issues on which more comprehensive analysis and discussion will be necessary.

II. General provisions (Arts. 1 to 4)

31. As noted earlier, pursuant to articles 1 to 6 of the Constitution, Andorra is a democratic and social State under the rule of law which is guided by principles that inspire respect for and promotion of freedom, equality, justice, tolerance and the protection of human rights and dignity. The public authorities must create conditions to ensure that the equality and liberty of individuals are real and effective. This model of rights is consistent with the rights established in the Convention.

32. Having signed and ratified the Convention, Andorra must adopt as its own the purpose, definitions, principles and general obligations relating to disability and incorporate those elements into its own legislation. Accordingly, the purpose of the Act Guaranteeing the Rights of Persons with Disabilities was amended as called for in the bill on urgent measures for implementation of the Convention on the Rights of Persons with Disabilities, as follows:

“Article 1. Amendment to article 1 (1) of the Act Guaranteeing the Rights of Persons with Disabilities.

Article 1 (1) of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall now read as follows:

“Article 1. Purpose of the Act

“The purpose of this Act is to ensure that persons with disabilities enjoy their rights and freedoms on an equal basis with others and that they are able to exercise their rights as citizens, as required for human dignity, as well as to prevent all kinds of discrimination on the grounds of disability.”

33. In addition, the terms used in the Act Guaranteeing the Rights of Persons with Disabilities are obsolete and should therefore be updated to bring them in line with the Convention. To that end, pursuant to the bill on urgent measures for implementation of the Convention on the Rights of Persons with Disabilities, article 2 of the Act Guaranteeing the Rights of Persons with Disabilities shall be amended, and the following new terms and definitions shall be adopted:

“Article 2 Amendment to article 2 of the Act Guaranteeing the Rights of Persons with Disabilities.

Article 2 of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall now read as follows:

“Article 2 Definitions

1. In legal rules and official technical documents, the following terms shall be used with the following definitions:

Disability: an evolving concept that results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.

Persons with disabilities: those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Communication: languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

Language: includes spoken and signed languages and other forms of non-spoken languages.

Discrimination on the basis of disability: any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. Failure to provide reasonable accommodation constitutes discrimination on the ground of disability.

Reasonable accommodation: necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

Universal design: the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The existence of environments inspired by universal design standards does not exclude assistive devices for persons with disabilities where this is needed.

34. The change in the concept of disability also makes it necessary to change the scope of the Act Guaranteeing the Rights of Persons with Disabilities. Accordingly, the bill on urgent measures for implementation of the Convention includes the following amendment:

“Article 5. Amendment to article 4 (2) of the Act Guaranteeing the Rights of Persons with Disabilities.

Article 4 (2) of the Act Guaranteeing the Rights of Persons with Disabilities of 17 October 2002 shall now read as follows:

“Article 4. Scope

[...]

2. For the purposes of this Act, the persons defined in article 2 (1) (b) shall be considered persons with disabilities. The criteria for assessing abilities and other factors involved in situations of disability shall be determined through regulations.”

35. To establish a time frame for setting up the entity and the assessment criteria according to the new concepts, the bill on urgent measures for implementation of the Convention includes the following final provision:

“Eighth final provision Revision of the entity and the criteria for assessing abilities and other factors involved in situations of disability.

Within a year from the entry into force of this Act, the Government shall adopt a new set of regulations governing the National Evaluation Commission and establish criteria for assessing abilities and other factors involved in situations of disability that are consistent with the new concepts and principles established in the Convention on the Rights of Persons with Disabilities, and it shall repeal the regulations governing the National Evaluation Commission and establishing criteria and benchmarks for the diagnosis and assessment of dysfunction, disability and handicaps that are currently in force.”

36. The general principles that serve as the framework for all activities must also be adjusted. To bring them in line with the Convention, the bill on urgent measures for implementation of the Convention includes an amendment to article 3 of the Act Guaranteeing the Rights of Persons with Disabilities, as follows:

“Article 3. Amendment to article 3 of the Act Guaranteeing the Rights of Persons with Disabilities. Article 3 of the Act Guaranteeing the Rights of Persons with Disabilities of 17 October 2002 shall be amended to read as follows:

“Article 3. Principles of action

1. Pursuant to the Convention on the Rights of Persons with Disabilities, the general principles of action shall be:

(a) Respect for the inherent dignity of all persons and their individual autonomy, including the freedom to make one’s own choices and to be independent;

(b) Non-discrimination;

(c) Full and effective participation and inclusion in society, ensuring support and reasonable accommodation to achieve equality of conditions;

(d) Respect for difference and acceptance of persons with disabilities as a part of human diversity and humanity;

(e) Equality of opportunity;

(f) Accessibility;

(g) Equality between men and women;

(h) Respect for the evolving abilities of children with disabilities and for the right of children with disabilities to preserve their identity.

2. The operational principles shall be:

(a) Priority shall be given to preventive action, to care provided within the community rather than institutional care, and training and job placement rather than financial assistance;

(b) Adjustments shall be made to the environment by raising civic awareness of the needs and potentialities of persons with disabilities and taking steps to adapt the environment to the needs of persons with disabilities;

(c) The quality of all disability-related services and facilities shall be guaranteed by the Government and the local administrations, in accordance with their competence, by means of permits and timely monitoring and follow up;

(d) Persons with disabilities shall be included in educational, cultural, labour and social institutions of a general nature.”

37. Finally, a new article proposed in the bill on urgent measures for implementation of the Convention should be added to the section on general provisions of the Act Guaranteeing the Rights of Persons with Disabilities, so as to strengthen the general obligations set forth in article 4 of the Convention, even though those obligations were incorporated into Andorran legislation when the Convention was signed and ratified. The new article should read as follows:

“Article 4. Addition of article 3 bis to the Act Guaranteeing the Rights of Persons with Disabilities

A new article 3 bis shall be added to chapter 1 of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, which shall read as follows:

“Article 3 bis. General obligations

1. States Parties shall ensure and promote the full exercise of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end they have the following obligations:

(a) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

(b) To refrain from engaging in any act or practice that is incompatible with the Convention on the Rights of Persons with Disabilities and to ensure that public authorities and institutions act in conformity with these rules;

(c) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or enterprise;

(d) To undertake and promote research and development of goods, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, technical devices and assistive technologies suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(e) To provide accessible information to persons with disabilities about mobility aids, technical devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

(f) To promote the training of professionals and staff working with persons with disabilities in regard to the rights recognized in the Convention on the Rights of Persons with Disabilities so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, the competent public authorities shall take all available measures in accordance with the existing socio-economic situation and, where needed, within the framework of international cooperation, with a view to progressively achieving the full realization of these rights.

3. In developing and monitoring the application of legislation and policies for implementing the Convention, and in taking other decision concerning issues relating to persons with disabilities, decision makers should consult and collaborate with persons with disabilities, including children with disabilities, in particular through the National Disability Council referred to in articles 12 and 30 of this Act.”

38. With these amendments, the core aspects of the paradigm shift generated by the Convention are incorporated into Andorran legislation, particularly bearing in mind that basic rights are already included in the Constitution, as mentioned above.

III. Provisions on specific rights

Article 5

Equality and non-discrimination

39. Article 6.1 of the Constitution establishes a mandate for general equality, stipulating that all persons are equal before the law and prohibiting discrimination on any grounds or on the basis of personal or social status. The next section of the same article imposes a duty on the public authorities to create the conditions necessary to guarantee full equality and freedom of individuals. Thus, the Constitution establishes the equality of all persons before the law, prohibits discrimination of any kind and calls for a proactive approach by the public authorities to enforce those provisions.

40. The Act Guaranteeing the Rights of Persons with Disabilities follows the social model of disabilities reflected in the Convention, given that in article 3 (1), it lays down as guiding principles for action the concepts of equal rights, duties and opportunities, as well as of non-discrimination. These principles are reinforced by the amendments set out in the previous paragraph.

41. With regard to the agencies that receive complaints of discriminatory situations, in addition to the judiciary, which must prosecute and try offences of discrimination as broadly defined in articles 338 et seq. of the Criminal Code, anyone may submit complaints

about discriminatory actions to the Ombudsman (*Raonador del Ciutadà*). The Ombudsman has the authority to request explanations from all authorities and public agencies.

42. The Ombudsman publishes a yearly report on all actions taken; this report is then submitted to and discussed in Parliament. To strengthen the powers of the Ombudsman, an amendment to the relevant Act has been proposed which would expand the duties of that Office, especially those relating to implementation of the Convention. In this regard, the Government has almost completed a bill which has been submitted for consultation to the European Commission against Racism and Intolerance (which after its last visit to Andorra also recommended amending the Act to expand the competence of the Ombudsman relating to actions involving racism and discrimination in the private sphere). The bill will be approved and submitted to Parliament in the next few weeks. Articles 1 and 2 of the aforementioned bill would read as follows:

“Article 1. Amendment to article 1

Article 1 of the Act on the Establishment and Work of the Ombudsman, of 4 June 1998, which was amended by article 1 of Act No. 79/2010, of 25 October, amending the Act on the Establishment and Work of the Ombudsman shall be amended to read as follows:

“Article 1

The Ombudsman, who acts as a delegate or commissioner of Parliament, is an institution whose mission is to defend and protect the fundamental rights and freedoms of citizens, to monitor and protect the rights recognized in the international conventions that have been signed and ratified by the Principality of Andorra on the terms established by the Act, and to fight against all types of discrimination and against racist, xenophobic, anti-Semitic and intolerant attitudes.”

“Article 2. Amendment to article 2

Article 2 of the Act on the Establishment and Work of the Ombudsman, of 4 June 1998, which was amended by article 2 of Act No. 79/2010, of 25 October, amending the Act on the Establishment and Work of the Ombudsman, shall be amended to read as follows:

“Article 2

1. The Ombudsman shall have the following duties:

(a) To inform citizens of the rights and freedoms recognized in the Constitution, and to ensure that they are realized;

(b) To ensure that the actions of the public authorities, in general and in a broad sense, are consistent with the fundamental principles of defence and protection of the rights and freedoms set out in the Constitution;

(c) To ensure that the actions of the public administration, in general and in a broad sense, objectively serve the general interest and follow the principles of hierarchy, effectiveness, transparency and full submission to the Constitution and to the rest of the legal system;

(d) To inform and advise minors on the rights and freedoms to which they are entitled under the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989 and the Optional Protocols thereto, which are part of the Andorran legal system and to ensure that they are fulfilled. In this regard, the Ombudsman shall provide information, help and assistance to minors and shall intervene whenever necessary. Specifically, if as a result of investigations conducted by the Ombudsman, evidence is found of potentially criminal offences, the Ombudsman shall bring it to the attention of the Public Prosecution Service;

(e) To ensure that in the conduct of their activities, individuals and public and private agencies respect the equality of all persons and take the measures necessary to prevent discrimination of any kind, direct or indirect, on grounds of a

person's birth, race, nationality, national or ethnic origin, colour, sex, religion, philosophical or political opinions, views of trade unions, physical or mental disability, lifestyle, customs, language, age, gender identity, sexual identity or orientation or any other personal or social circumstance. The Ombudsman is also responsible for combatting racist, discriminatory, xenophobic, anti-Semitic and intolerant attitudes.

[...]

In this regard, the Ombudsman shall:

(i) Provide information, support and assistance to victims of any kind of discrimination and to victims of racist, xenophobic, anti-Semitic and intolerant attitudes, so as to enable them to avail themselves of appropriate means or remedies for the defence of their rights and interests and intervene whenever necessary. Specifically, if as a result of investigations conducted by the Ombudsman, evidence is found of potentially criminal offences, the Ombudsman shall bring it to the attention of the competent administrative authority or the Public Prosecution Service, as the case may be;

(ii) Monitor the content and effect of legislation that has an impact on the fight against discrimination and racist, discriminatory, xenophobic, anti-Semitic and intolerant attitudes; propose improvements to such legislation, and issue preliminary mandatory and non-binding reports on bills and draft regulations and proposals for legislation on non-discrimination, racism, xenophobia, anti-Semitism and intolerance. Its reports may also deal with strategy papers, action plans and government policies related to the aforementioned matters;

(iii) Promote awareness among citizens about all matters pertaining to discrimination, racism, xenophobia, anti-Semitism and intolerance through the timely publication of documents and reports; participate in training programmes in those areas, and support the activities of entities and agencies involved in the fight against discrimination, racism, xenophobia, anti-Semitism and intolerance by hearing and taking into account their concerns and the evidence provided in the relevant reports. This duty shall be carried out in a spirit of dialogue and with the cooperation of associations, institutes, bodies and services involved in the fight against discrimination and racist, discriminatory, xenophobic, anti-Semitic and intolerant attitudes.

(f) To inform, assist and advise persons with disabilities on the rights to which they are entitled under the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on 13 December 2006, and the Optional Protocol thereto, which are part of the Andorran legal system, and to ensure compliance with those instruments. In this regard, the Ombudsman shall:

(i) Promote, monitor and oversee implementation of the above-mentioned Convention, acting as the independent State monitoring mechanism called for in article 33 (2);

(ii) Promote the participation of civil society and, in particular, of persons with disabilities and their representative organizations and agencies in the performance of the duties mentioned in subparagraph (i) above.

2. The duties mentioned in subparagraphs 1 (e) and (f) of this article shall be performed without prejudice to their being entrusted concurrently in future to other independent entities or agencies assigned with the task of promoting and defending human rights.

3. In order to perform the duties mentioned in paragraph 1 of this article, the Ombudsman shall receive and process complaints and claims concerning citizens' relations with public authorities and other public agencies and entities of the Principality of Andorra.

However, when defending and protecting the rights of minors and persons with disabilities and when combating racism, intolerance and discrimination, the Ombudsman shall also receive and process complaints and claims concerning citizens' relations with other private individuals or entities."

43. To strengthen its policies on equality and non-discrimination, in 2015, the Ministry of Social Affairs, Justice and the Interior created a specific area on equality policies, one of the primary missions of which is to process and collect data and promote anti-discrimination policies in all areas.

44. One of the strategies followed by the Government of Andorra in its effort to combat all types of discrimination is a white paper on equality, which is being prepared, in conjunction with the Social Affairs Committee of Parliament, for publication during the first half of 2017. Entities and organizations in different sectors, including persons with disabilities, have participated in the preparation of the white paper, which will serve as the basis for the Government to draw up a comprehensive bill on equality and non-discrimination. The bill will take into account, among other aspects, the issue of disability and related problems, as well as specific mechanisms for providing protection against all types of discrimination and establishing appropriate penalties.

45. The Government's commitment to the project is evidenced in the second final provision of the bill on urgent measures for implementation of the Convention, which reads as follows:

"Second final provision. Comprehensive Act on Equality and Non-discrimination

The Government is directed, within a period of two years from the entry into force of this Act, to adopt a comprehensive act on equality and non-discrimination that deals specifically with disability and mechanisms for protecting persons with disabilities against all forms of discrimination and establishes an appropriate system of sanctions. The act shall be drafted on the basis of proposals set forth in the white paper on equality that is being prepared at the request of Parliament and the Government, as well as with the participation of entities and agencies belonging to the sectors and groups concerned."

Article 6

Women with Disabilities

46. Women and girls affected by disabilities often face double discrimination: as women and as persons with disabilities. The Social and Health Services Act addresses this situation in order to prevent unwanted situations and provide appropriate treatment for victims.

47. Act 1/2015, on the Eradication of Gender-based and Domestic Violence, protects all women, bearing in mind those groups that are especially vulnerable. The duties of the National Commission on Prevention of Domestic and Gender-based Violence are laid down in the regulations to the Act, which were adopted by decree on 9 March 2016. Article 3 (b) stipulates that the Commission must design strategies to be implemented in order to raise awareness and provide prevention, detection and intervention on behalf of victims of gender-based and domestic violence; such measures should be implemented as action programmes that take into account particularly vulnerable groups, such as girls and women with disabilities and immigrants.

48. In addition, the Act on the Eradication of Gender-based and Domestic Violence recognizes the right of women with disabilities to receive comprehensive information and appropriate advice regarding gender-based and domestic violence in an accessible and understandable format, either in sign language or in some other form or type of communication, including augmentative and alternative systems.

49. At the international level, Andorra acceded to the United Nations Convention on the Elimination of All Forms of Discrimination against Women on 15 January 1997. Following up on this commitment, the Government drew up a strategic plan for promoting equality between men and women. Over the last few years, improvements have been made, and

campaigns to promote equality between men and women have been carried out. Andorra supported the United Nations Security Council resolution that was adopted in New York during the discussion on Women, Peace and Security, held on 13 October 2015, and it was represented at the sixty-first session of the Commission on the Status of Women that was held at United Nations Headquarters from 13 to 24 March 2017, on the theme of women's economic empowerment in the changing world of work.

50. Andorra is also a State party to the Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention, which entered into force for Andorra on 1 August 2014. One of the first steps taken by the Government to implement the Convention was the drafting of a bill on the eradication of gender-based and domestic violence; as noted above, the bill was adopted by Parliament as Act No. 1/2015, and it entered into force on 15 January 2015. The main focus of this Act is prevention; hence, it has taken steps to ensure that in addition to intervening when such situations have already occurred, it will be able to detect and prevent further occurrences.

51. Andorra actively participates in sessions of the Council of Europe Gender Equality Commission and the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which is responsible for ensuring implementation of the Istanbul Convention.

52. As regards criminal legislation on these issues, the following aspects are noteworthy:

(a) Maltreatment. The Criminal Code – in the version embodied in Qualified Act No. 91/2010, of 16 December, amending articles 113, 114, 476 and 478 – while not distinguishing between victims with or without disabilities, does provide for the aggravating circumstance envisaged in article 30 of the Criminal Code; accordingly, the fact that a victim has a disability exacerbates the liability of the perpetrator. Article 30.6 of the Criminal Code envisages discrimination as a motive, in respect of a physical person, when a perpetrator has taken into account a person's birth, national or ethnic origin, colour, sex, religion, philosophical or political opinions, views of labour unions or any other personal or social circumstance, such as physical or mental disability, lifestyle, customs, language, age or sexual identity or orientation;

(b) Gender-based violence and domestic violence Article 114 of the Criminal Code – as amended by article 6 of Qualified Act No. 18/2013, of 10 October, amending the Criminal Code – makes a distinction between victims with and without disabilities; accordingly, the penalty of imprisonment is higher when domestic violence is involved;

(c) Sexual assault. Article 146 of the Criminal Code, on aggravated assault, considers cases in which a victim of sexual assault is especially vulnerable as an aggravating circumstance;

(d) Non-consensual sexual acts. Article 147 – as worded in Qualified Act No. 18/2013, of 10 October, amending the Criminal Code – stipulates that sexual abuse is considered to be sexual behaviour with a person who is unaware, unconscious or unable to resist, or abuse because of disability. Also, liability is aggravated when the victim is especially vulnerable owing to his or her age, illness or circumstances;

(e) Prostitution. Article 158 of the Criminal Code – as worded in Qualified Act No. 18/2013, of 10 October, amending the Criminal Code – defines as an aggravating circumstance the fact that a victim is especially vulnerable owing to his or her age, illness, incapacity or circumstances. Thus, the law is designed to protect children and individuals in general who are unable to resist or otherwise especially vulnerable;

(f) Production of pornographic material. Article 155 of the Criminal Code protects incompetent persons who are vulnerable to being used in such activities and establishes penalties for the production of pornography, promotion, attendance at shows where they are exploited and dissemination and sale or display of such materials.

53. With regard to protection and care for victims of gender-based violence, the above-mentioned Act No. 1/2015, on the Eradication of Gender-based and Domestic Violence,

provides that if a person with a disability is a victim of gender-based violence, the providers of services in such situations must coordinate their work with the department responsible for persons with disabilities in the Ministry of Social Affairs so as to assess the risk, understand and gain access to the resources needed to provide maximum support for the victim. The Social and Health Services Act and the implementing regulations provide for services and financial assistance to victims of such crimes, some services and assistance have been increased in recent years.

Article 7

Minors with disabilities

54. Andorra has signed and ratified the Convention on the Rights of the Child. The Act Guaranteeing the Rights of Persons with Disabilities, in particular article 33, takes into account the Convention on the Rights of the Child in the area of disability, with the aim of ensuring a full and decent life under conditions that ensure dignity.

55. On the European scene, Andorra has also signed and ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, done at Lanzarote on 25 October 2007. The Convention explicitly provides special protection for children with disabilities who are victims of offences in order to enable them to enjoy the same rights as any other minor. In domestic legislation, the Criminal Code, as noted above, considers child victims to be particularly vulnerable, as well as persons who are unable to oppose resistance.

56. Article 5 of the Act Guaranteeing the Rights of Persons with Disabilities calls for the development of a national prevention plan as a comprehensive tool for preventing impairments, through the adoption of protocols for early detection and diagnosis. Similarly, in subparagraph (d) of the second final provision, the Social and Health Services Act establishes a programme for the early detection of cases of disability in children as one of the priorities for implementation of the Act.

57. Early-care services, which are governed by article 19 (2) (a) of the Social and Health Services Act, are provided at an early age to children who have or are at risk of having an impairment. These services are offered in close coordination among paediatric health-care professionals, day-care centres and staff of service providers with the specific aim of caring for children who have developmental impairments or are at risk of becoming impaired.

58. Education is based on the principle of inclusive education, which is guaranteed to all students in the educational system (for further information, see commentary to article 24).

59. As regards the right of children to freedom of opinion, the Children's Councils programme is being promoted by several parish councils. This programme provides for children to meet with the heads of local governments. At these meetings, they are able to present requests or take stock of the actions taken by the Administration. Since children with disabilities attend inclusive schools where they interact with children of their own age in the regular school system, they too can participate in this activity. These same participatory activities are carried out at the national level through the General Council of Young People, in collaboration with Parliament, among students in the third year of compulsory secondary education in all schools in the country.

60. Under the Qualified Act on Adoption and Other Forms of Protection of Neglected Children, of 21 March 1996, a high level of protection is provided to all children who are in situations of abandonment, neglect, lack of care or supervision, absent from school, at risk of violence, or in unsafe or immoral environments. Children with disabilities receive the same care as other children in addition to the care required for their specific disability. In situations of negligence that pose a danger for the child, different measures are envisaged, including placement in foster families or child care centres when the abuse or maltreatment might entail suspending or removing parental rights. In any case, social and educational assistance is available for at-risk children, as well as programmes designed to enable parents to adequately meet their needs.

61. In cases of sexual abuse, since children with disabilities are more vulnerable to risk, there is a protocol for early detection of such situations, which is currently under review to bring it in line with the Convention and improve its effectiveness.

62. With regard to criminal acts committed by minors with disabilities, the Qualified Act on Juvenile Justice, partially amending the Criminal Code and the Qualified Act on Justice, of 22 April 1999, does not include specific reference to juvenile offenders with disabilities, although they are covered by all the guarantees established in the regulations on juvenile justice.

63. With a view to reviewing, organizing and updating the legislation on children, a new law on children will be drawn up in 2017 that will be consistent with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. The bill will be drafted in a participatory process, bearing in mind the needs of children with disabilities.

Article 8

Raising awareness

64. The importance of public awareness has already been highlighted in the Act Guaranteeing the Rights of Persons with Disabilities. Article 25 of that Act stipulates that the Government, in collaboration with civic entities, in particular those comprised of persons with disabilities and their families, must promote programmes and campaigns to address the needs and potential of this group.

65. In keeping with this principle, both general and targeted awareness-raising campaigns have been conducted from time to time, either directly by the Government or in collaboration with social organizations. Of particular note is a specific campaign directed at 8-year-old children in all schools throughout the country which consisted of a puppet show portraying different disabilities. The idea is to demonstrate that human beings have capacities and value beyond their appearance and to provide opportunities for questions and reflection. This activity was attended by 53.8 per cent of the students in all schools.

66. In 2016, a working group was set up to design joint awareness-raising campaigns in which different agencies for persons with disabilities would be represented. The idea is to involve all the social partners or government agencies that are needed to ensure the success of the activities proposed.

67. The Ministry of Social Affairs and the Secretariat of State for the Civil Service have organized other awareness-raising and training activities for officials and other professionals working with the Administration. Information is provided on the content of the Convention, what it entails and how individual citizens can implement it on the job. The main objective is to emphasize the value of persons with disabilities, to combat discrimination against them and to develop a positive perception and enhance public awareness of their problems.

68. On the occasion of the tenth anniversary of the Convention, the text was published in Catalan, the official language of the Principality, in an easy-to-read format, with a twofold objective: to familiarize the general public with the Convention and make it accessible, and to ensure that persons with disabilities know their rights and that they are able to report violations of those rights should that be the case.

69. Other more specific awareness-raising activities are directed at entrepreneurs with the aim of publicizing the Government's Job Placement Strategy for Persons with Disabilities 2016–2019. Efforts are also being made through the Commission for the Promotion of Accessibility to raise awareness about accessibility and universal design. Visits are made to all businesses and public works to verify compliance with accessibility standards and offer advice when necessary.

70. In 2015, in the context of the Global Education First Initiative launched by the Secretary-General of the United Nations, Andorra took part in the Draw Disability project,

which was aimed at raising the awareness of Andorran students on the right to education of youth with disabilities.

71. Finally, conferences and activities are carried out every year in observance of the International Day of Persons with Disabilities to disseminate the principles and values set forth in the Convention and to raise awareness among State institutions and general public.

72. Although these awareness-raising and sensitization efforts are envisaged in the existing legislation and applied in practice, in order to incorporate immediate, effective and pertinent measures, the bill on urgent measures for implementation of the Convention refers explicitly to article 8 of the Convention, on awareness-raising:

“Article 14. Amendment to article 25 of the Act Guaranteeing the Rights of Persons with Disabilities

Article 25 of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall be amended to read as follows:

“Article 25. Awareness-raising

Pursuant to article 8 of the Convention on the Rights of Persons with Disabilities, the public authorities, in collaboration with civic entities, especially those formed by persons with disabilities or their families, shall regularly promote actions and awareness-raising campaigns on the needs, potential and rights of persons with disabilities, in order to achieve positive personal and social attitudes and behaviour leading to equality of opportunities and social integration for such persons. These measures may be directed at the entire population or targeted to certain groups or focused on specific disabilities.

Article 9 Accessibility

73. The Accessibility Act governs accessibility in a comprehensive manner; although it was adopted much earlier than the Convention, it takes a very similar approach to the issue. The Accessibility Act goes beyond the idea of eliminating architectural barriers held by most people at that time and incorporates the concept of accessibility, which includes social access and communication. The purpose of the Accessibility Act is to ensure that everyone has access to any space in any context.

74. Article 20 of the Accessibility Act provides for the creation of the Commission for the Promotion of Accessibility as a consultative and advisory body dealing with accessibility, elimination of barriers and awareness-raising. The Commission is chaired by the Minister of Land Management, who has delegated his duties to a person with disability. Its membership also includes technical experts from the Ministry of Land Management, the Ministry of Economy, the Ministry of Social Affairs, two representatives of local governments, one from the architects' association, one from the engineers' association and a representative of civic organizations concerned with disability issues. The bill on urgent measures for implementation of the Convention calls for the Commission's advisory role to be expanded in certain cases (see amendments proposed in the bill to article 11 of the Accessibility Act and article 46 (3) of the Urban Property Rental Act).

75. Although the Act Guaranteeing the Rights of Persons with Disabilities calls for measures designed to enforce the right to accessibility, it is necessary to go a step further and amend some of the existing provisions so as to strengthen the concept of accessibility in the Act and to begin implementing the concept of universal design.

76. To this end, the bill on urgent measures for implementation of the Convention on the Rights of Persons with Disabilities establishes a preliminary set of amendments that would incorporate the new concepts into the Act Guaranteeing the Rights of Persons with Disabilities and the Accessibility Act. The bill also expands the definition of accessibility and broadly introduces the concept of universal design. In particular, it calls for the following amendments:

“Article 6. Amendment to article 10 of the Act Guaranteeing the Rights of Persons with Disabilities

Article 10 of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall be amended to read as follows:

“Article 10. Accessibility

Accessibility is a prerequisite for enabling persons with disabilities to live independently and participate fully in society on an equal basis with others. Thus, in accordance with article 9 of the Convention on the Rights of Persons with Disabilities, the competent public authorities and other public and private persons and entities shall take measures, if required by the applicable rules, to ensure access by persons with disabilities, on an equal basis with others in the physical environment, to transportation, information and communication, including information and communication systems and technologies, and to other facilities and services that are open to the public or used by the public.”

“Article 15. Addition of a subparagraph 2 (1) (3) to Article 2 of the Accessibility Act

A new subparagraph 2 (1) (3) shall be added at the end of article 2 of the Accessibility Act, of 6 April 1995, which shall be worded as follows:

“Article 2 Definitions

[...]

2 (1) (3) Universal design is the quality of products, environments, programmes and services that are usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Products developed in accordance with criteria of universal design must be accessible, understandable and user-friendly. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

“Article 16. Amendments to article 11 (3) and (4) of the Accessibility Act

Article 11 (3) and (4) of the Accessibility Act, of 6 April 1995, shall be amended to read as follows:

“Article 11. Adapted housing

[...]

3. In implementing adaptations to the common elements of a building where a person with disabilities lives and to make them accessible, universal design criteria must be taken into account, and the owner of the property or, if pertinent, the community of owners, must give their consent, in accordance with the applicable rules. In any case, persons with disabilities may use temporary structures that enable them to access a dwelling without affecting its structure.

4. In the above cases, when the persons who have made adaptations leave the dwelling, if the works in question do not constitute improvements, the dwelling must be restored to the condition it was in before the works were done, should the owner so request. In addition, any works that meet universal design criteria and are usable by everyone shall be considered to be improvements. In the event of disagreement, the parties concerned may request a report from the Commission for the Promotion of Accessibility referred to in article 20 of this Act.”

“Article 17. Amendment to article 15 of the Accessibility Act

Article 15 of the Accessibility Act, of 6 April 1995, shall be amended to read as follows:

“Article 15. Accessibility of communication

The Government and local administrations must provide tools and technical alternatives to make communication, including information and communication

technologies (ICT), accessible and usable, and provide signage for the entire population, especially to ensure that all public services are accessible to persons with disabilities.”

77. The bill on urgent measures for implementation of the Convention calls for an amendment to article 25 (1) of the Urban Property Rental Act to prevent increases in rent when a landlord makes improvements in the rental property or in common elements and services on the property, if the works in question are intended to improve the accessibility of the dwelling. The bill provides the following wording for the article:

“Article 18. Amendment to article 25 (1) of the Urban Property Rental Act.

Article 25 (1) of the Urban Property Rental Act, of 30 June 1999, shall be amended to read as follows:

“Article 25.

1. The performance for a lessor of improvements in the rented property or in common elements and services of the property, interior or exterior, shall give him or her the right, unless there is an agreement to the contrary, to raise the annual rent by the amount that results from applying to the capital invested in the improvements the legal interest rate on money at the time the works are completed, but the increase shall not exceed 15 per cent of the rent. If the works in question are carried out to make the dwelling accessible to the renter, the renter’s spouse or other relatives in the family unit sharing the dwelling who have a disability, the rent may not be increased.

[...]”

78. The bill on urgent measures for implementation of the Convention also calls for an amendment to another provision of the Urban Property Rental Act, establishing the right of renters to carry out essential works to make the dwelling accessible, bearing in mind that at the termination of the lease period, the renter does not need to return the dwelling to its former state if the works have been carried out according to universal design criteria, since that would be considered a general improvement. The bill also provides that, when there is a disagreement, the lessee and the lessor may request the Commission for the Promotion of Accessibility to rule on the matter by means of a report showing whether or not the works in question meet the criteria of universal design. The following wording is proposed in the bill on urgent measures for implementation of the Convention:

“Article 19. Amendment to article 46 of the Urban Property Rental Act

Article 46 of the Urban Property Rental Act, of 30 June 1999, as partially amended by Act No. 1/2014, of 23 January, amending the Urban Property Rental Act of 30 June 1999, shall be amended to read as follows:

“Article 46

1. If the lessee, his or her spouse or one of the members of the family unit is a person with disabilities, he or she is authorized, by operation of law, to carry out any works that are essential in order to adapt the dwelling to meet criteria of accessibility and universal design, provided that he or she adequately proves and justifies the disability and gives the lessor advance notice in writing.

2. Upon termination of the lease and in respect of any works that do not constitute improvements on the property, the lessee shall restore the dwelling to its former state, if the lessor explicitly requests it. In addition, any works that meet universal design criteria and may therefore be used by anyone shall be considered improvements.

3. In the event of disagreement between the lessor and the lessee on the scope of the concepts mentioned in this article, a report may be requested from the Commission for the Promotion of Accessibility referred to in article 20 of the Accessibility Act of 6 April 1995.”

79. Changes are also proposed to the Condominium Act in order to add accessibility to the elements enabling individual owners to require the community of owners to carry out the works necessary to ensure that the property meets minimum conditions. The bill on urgent measures for implementation of the Convention proposes the following amendment:

“Article 20. Amendment to article 15 of the Condominium Act

Article 15 of Act No. 12/2001, of 30 June, on Condominiums, shall be amended to read as follows:

“Article 15. Right to improvements and renovations on the property

Property owners may demand that the necessary works be carried out to ensure that the property has the facilities, services and improvements required for safety, accessibility, conservation and habitability so that in every case the property has the necessary conditions based on its nature and its characteristics under the applicable legislation.”

80. As regards school accessibility, since 2013, priority has been given to improving accessibility in schools and access routes. To begin with, studies were conducted at all educational establishments built before the adoption of the Accessibility Act, with a view to identifying existing barriers and their characteristics and implementing improvements. So far, accessibility has been improved at 70 per cent of all the educational establishments studied, at a cost of approximately €1 million and with €400,000 allocated for 2017.

81. Three measures that will have great impact have been taken to improve mobility, which is key to social relations and inclusion, especially for persons with physical disabilities. Firstly, free public transport is available for persons with disabilities with Government funding amounting to €96,143.16 (2016). Secondly, a parking card similar to the European model is being issued to all persons with mobility difficulties so as to facilitate parking for their vehicles. The third measure is the granting of financial assistance to adapt the vehicles of persons with disabilities; this is provided for in the regulations on economic benefits for social and health services that were adopted by decree on 18 May 2016.

82. The Renova programme operated by the Ministry of the Environment also plays an important role in improving the accessibility of dwellings. This programme was started under Act No. 21/2013, of 10 October, on development of the housing stock, improvement of energy efficiency in buildings and use of renewable energy. Article 2 of the aforementioned Act No. 21/2013 provides that the programme must include measures for encouraging the renovation of existing buildings in order to improve living conditions and accessibility, among other factors. Article 3 specifies that highest priority must be given to improving accessibility and removing architectural barriers in existing buildings in order to promote equality of opportunities, non-discrimination and universal access for persons with disabilities. Under article 6, aid to the programme is provided in the form of direct grants and/or Government-guaranteed loans.

83. In the area of communication, one of the most significant measures taken in 2016 was the enhancement of the Government website to make it accessible to all, thus guaranteeing access to the overall Administration for all citizens (www.govern.ad).

84. To provide technical tools for better assessing the current situation and promoting well-formulated actions in the area of accessibility and universal design, a manual of good practices for accessibility and an accessibility catalogue are being developed. The project involves the active participation not only of Government experts but also of representatives of organizations working with persons with disabilities. The total budget for these two publications is €74,000. These will be basic tools for designing different works and estimating their cost.

85. In order to complete the aforementioned changes and measures, an in-depth review is needed of all standards for updating, systematizing and improving legislation on accessibility and incorporating and developing the concept of universal design. To that end, the bill on urgent measures for implementation of the Convention directs the Government,

within a period of two years, to amend the Accessibility Act so as to take into account new developments and needs of society and to harmonize it with the Convention.

“Fourth final provision. Amendment to the Accessibility Act

The Government is directed, within a period of two years from the entry into force of this Act, to adopt a bill amending the Accessibility Act in order to bring it in line with the new needs of society and adapt it to the new criteria set forth in the Convention on the Rights of Persons with Disabilities. This amendment shall take into account accessibility and universal design in different environments, especially environments related to cognitive accessibility, accessible tourism, technical aids and accessibility of communication media, in particular information and communication technologies (ICT).

Article 10

Right to Life

86. Article 8 (1) of the Constitution recognizes the right to life and fully protects it at all stages. In the second paragraph of the article, the Constitution also recognizes that everyone has the right to physical and moral integrity, and in the third paragraph, it prohibits the death penalty.

87. The Constitution recognizes the inherent right to life of all human beings and adopts, as will be noted, a number of technical and economic measures to ensure the effective enjoyment of this right in all cases.

88. Title II of the Criminal Code (Legislative Decree of 29 April 2015 on publication of the consolidated text of Qualified Act No. 9/2005, of 21 February, on the Criminal Code), which refers to crimes against prenatal human life, includes and penalizes both non-consensual and consensual abortion.

Article 11

Situations of risk and humanitarian emergencies

89. The civil protection system is currently governed by the Civil Protection Act of 20 November 1984. This Act refers to protection of the population in general without mentioning specific measures for persons with disabilities. In order to provide measures applicable to this group in particular, the departments of social affairs and civil protection are working together to include persons with disabilities in civil protection schemes. Their proposals will be submitted to representatives of persons with disabilities so that they can express their views and suggestions on the text.

90. On organizational aspects, the decree on organization of the Ministry of Social Affairs, Justice and the Interior lists the responsibilities of the Department of Civil Protection and Emergency Management, which include coordinating with public and private entities, joint planning with different administrative departments during emergency situations and providing information to and training of the public to increase and promote volunteer collaboration.

91. In recent years, a number of civil protection programmes targeting persons with disabilities have been carried out, as well as awareness-raising activities for the general public. Campaigns and training activities have been carried out in conjunction with the Andorran Red Cross and other federations and entities representing persons with disabilities at which courses on first aid and protection from natural disasters have been given for persons with disabilities. Special materials tailored to the abilities of each individual have been used in these programmes.

92. Persons with disabilities are taken into account in self-protection plans required under the standards for certain buildings and activities that are open to the public, and specific plans and protocols provide for different types of disabilities.

93. The tenth final provision of the bill on urgent measures for implementation of the Convention stipulates that within a period of one year, the Government must review civil protection plans and adapt them to the Convention, as follows:

“Tenth final provision. Civil protection plans

The Government is directed, within a period of one year from the entry into force of this Act, to review civil protection plans that have been adopted as of this date, so that procedures for action by intervention services ensure that adequate assistance will be given to persons with disabilities.”

Article 12

Equal recognition before the law

94. Article 6 of the Constitution provides that all persons are equal before the law, and no one may be discriminated against on grounds of personal or social status. This provision is in line with article 12 of the Convention, which recognizes that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

95. To achieve this objective, sensitivity training for the officials concerned must be increased so as to enhance their awareness, bring about changes in personal and social approaches to this issue and ensure that persons with disabilities are able to exercise their legal capacity (see commentary to article 8).

96. The most complex issue encountered in implementing this article is that of deprivation of capacity. This aspect is covered in Qualified Act No. 15/2004, of 3 November, on Deprivation of Capacity and Guardianship Agencies, as amended by Act No. 27/2013, of 9 December, the text of which is not fully consistent with the Convention. Deprivation of capacity is scalable, as noted in article 5 (1) of the Qualified Act on Deprivation of Capacity and Guardianship Agencies: thus, judgments must specify the extent and the limits, as well as the duration, of the deprivation of capacity; article 8 of the Act provides that capacity may be restored from the moment the cause disappears, thus making it possible to establish a time frame and personalize the exercise of legal capacity.

97. The Qualified Act on Deprivation of Capacity and Guardianship Agencies also ensures respect for the individual's rights, will and preferences. Thus, where children are concerned, article 39 (3) requires guardians to consult with their wards when important actions are taken that affect the ward or his or her assets, if he or she has sufficient awareness and is at least 14 years old. In the same vein, under a curatorship, the curator may act only in specific cases that have been established by law, not replacing the ward's will but supplementing it.

98. The Qualified Act on Deprivation of Capacity and Guardianship Agencies also reduces the potential for conflicts of interest, since article 3 defines who has legal standing to advocate for a judicial declaration of incapacity or to set up curatorship. In articles 19 and 20, the Act establishes the grounds for absolute and relative disqualification for exercising guardianship and finally, it lays down the prohibitions that apply to tutors or curators in the exercise of their duties. Furthermore, guardians are to be supervised by the courts and the Public Prosecution Service, either on a yearly basis or when required.

99. It appears, however, that a comprehensive review of the aforementioned legislation will be needed in order to bring it in line with the principles and precepts embodied in the Convention. This means that complex changes will have to be made to the existing legislation, which will involve extensive in-depth discussion, given that the changes will affect not only the Qualified Act on Deprivation of Capacity and Guardianship Agencies but other legislation as well. To that end, and while the amendments to the Qualified Act on Deprivation of Capacity and Guardianship Agencies described below are being worked out, mechanisms will be created to support decision making based on respect for a person's will and preferences. These support mechanisms will differ in type and intensity depending on the will and preferences of the person concerned, and on his or her needs for support measures. Steps will also be taken to ensure adequate and effective protection to enable the person to exercise his or her legal capacity.

100. With the aim of making the changes necessary to bring the existing legislation in line with the Convention, the bill on urgent measures for implementation of the Convention directs the Government, within a period of two years, to draft proposed amendments to the Qualified Act on Deprivation of Capacity and Guardianship Agencies. To that end, it calls for the creation of a technical advisory commission the main mission of which will be to study the existing legislation on legal capacity and consider how to align it to the Convention. The duties and composition of the commission are set out in the fifth final provision.

“Fifth final provision The Qualified Act on Deprivation of Capacity and Guardianship Agencies

The Government is directed, within a period of two years from the entry into force of this Act, to adopt a draft qualified act amending Act No. 15/2004, of 3 November, on Deprivation of Capacity and Guardianship Agencies, to align articles 12, 14, 15 and 16 with the Convention on the Rights of Persons with Disabilities. The amendment shall be promoted after hearing the views of a technical commission created for this purpose to advise on and review the existing legislation on legal capacity and its consistency with the Convention. The commission shall be comprised of technical experts representing the relevant ministries in the areas of justice, social services and health, the judiciary and the Public Prosecution Service and the agencies that are members of the National Council on Disability and the National Bioethics Committee of Andorra.

101. With regard to article 12 (5) of the Qualified Act on Deprivation of Capacity and Guardianship Agencies, which refers to the right of persons with disabilities to own and inherit property, to control their financial affairs, to obtain mortgages and other types of loans, it should be borne in mind that article 27 (1) of the Constitution recognizes, in general, the right to own property and to inherit, with no limitations other than those arising from the social function of property. Article 27 (2) adds that no one may be deprived of his or her property or rights in the absence of legitimate grounds of public interest, with fair compensation and in keeping with the procedure established by law. Accordingly, persons with disabilities also have those same rights.

102. In accordance with the right established in the Constitution, in cases of guardianship and curatorship, article 42 (1) (b) of the Qualified Act on Deprivation of Capacity and Guardianship Agencies, guardians are under judicial supervision, and they must request authorization from the court to repudiate an inheritance or to accept it without the benefit of an inventory or any act that might place a burden on the protected person. Under Article 57 (2) (d) of the Act, on curatorship, a person who has been deprived of capacity will need the consent of the curator to waive grants, loans or bequests or to accept bequests without the benefit of an inventory. Thus, the Act does not preclude a person from inheriting or fully enjoying his or her rights, but bequests, legacies and donations are subject to oversight to ensure that they are not burdensome to the person deprived of capacity.

103. Regarding capacity to make a will, the Act does not establish any limitation on the making of a will, except those that are stipulated in the final judgment on deprivation of capacity. Article 99 (2) of the Act on Succession *causa mortis* provides that a testator who has been deprived of capacity by a court may make a notarized will during an interval of lucidity if two doctors accepted by the notary attest to and certify that at the time of making the will, the testator had the capacity to do so.

Article 13

Access to justice

104. Article 10 of the Constitution recognizes the right of access to justice, to obtain a decision based on the law and to due process, before an impartial court. It also guarantees for everyone the right to a defence and to assistance of counsel, to a trial of reasonable duration, to the presumption of innocence, to be informed of the charge, to not confess guilt, to not incriminate or testify against him or herself and, in criminal proceedings, to the

right of appeal. The Constitution also provides that in order to guarantee equality, a determination must be made as to when judicial proceedings must be free of charge.

105. As regards access to criminal proceedings, the Code of Criminal Procedure of 16 February 1989 establishes the right of deaf-mute persons to make statements through an interpreter or in writing or through someone who is able to communicate with them. The current Code of Criminal Procedure, of 10 December 1998, and successive amendments thereto have added improvements, including the provision that related costs will be covered by the administration of justice.

106. Article 39 of Qualified Act No. 10/2005, of 21 February, amending the Code of Criminal Procedure sets out the requirements for criminal prosecution. These rules stipulate that the only requirement for filing a criminal complaint is to identify the complainant and the respondent when they are known, to submit a detailed statement of the facts and the legal issues involved and of the formalities requested and the action sought in regard to the procedural situation and the property of the complainant. No mention is made of any limitation relating to persons with disabilities, who are treated on an equal basis with others.

107. Article 36 of the Code of Criminal Procedure, of 10 December 1998, provides that anyone who has knowledge of or has witnessed a crime has the obligation to report it, provided that it is punishable *ex officio*; persons with disabilities are not exempt from that duty, given that they are not mentioned in article 37 of the Code.

108. The Criminal Code also covers circumstances that preclude and mitigate criminal liability based on lack of understanding of the wrongfulness of the behaviour or of control over the acts committed. Article 27 of the Criminal Code excludes from liability certain individuals who are unable to understand the wrongfulness of the act owing to a mental disorder or impairment, or persons who suffer from altered perception from birth or childhood which prevents them from understanding the wrongfulness of an act or acting according to that understanding.

Article 14

Liberty and security of person

109. Article 9 of the Constitution provides that everyone has the right to liberty and security and may only be deprived of them for the reasons, and according to the procedures, established in the Constitution and the law.

110. On the subject of the right to liberty and security, one of the main issues raised is that of involuntary admissions in hospitals and therapeutic institutions. Such admissions are governed by article 12 of the Qualified Act on Deprivation of Capacity and Guardianship Agencies. Such actions must be authorized by a court, except in the case envisioned in article 11 of the Act, on emergency placement when there is a risk to the life and physical integrity of the person in question or of third parties; such measures must subsequently be ratified by the court within a maximum period of 72 hours. The person who is to be institutionalized may appear at the proceedings with his or her own defence counsel or be defended by the Public Prosecution Service and alternatively, by a public defender. The judge must personally examine the person concerned and request the opinion of a medical professional. The authorization must be justified by a therapeutic purpose related to the person's situation.

111. The bill on urgent measures for implementation of the Convention calls for an amendment to the article in question in order to limit the time frame for the court to reach its decision, as follows:

“Article 22. Amendment to article 11 (2) of the Qualified Act on Deprivation of Capacity and Guardianship Agencies

Article 11 (2) of Qualified Act No. 15/2004, of 3 November, on Deprivation of Capacity and Guardianship Agencies, shall be amended to read as follows:

“Article 11. Emergency placement

[...]

2. The duty judge must ratify or deny the placement through a reasoned decision, within a period of 24 hours after being informed of the placement, or from the time he or she has been able to personally examine the individual in question if that was not possible earlier because of the seriousness of the person’s condition, in which case there shall be no extension of the maximum period of 72 hours from the time the judge was aware of the placement, complying with the requirements established in paragraph 3 of the following article.”

112. Placement in psychiatric facilities of persons with mental disorders who have committed a criminal offence and who have been exempted from criminal liability owing to their lack of understanding of the act committed is governed by articles 73, 74 and 75 of the Criminal Code. Such persons may only be placed in psychiatric facilities, addiction treatment centres or special educational or rehabilitation establishments. In order to proceed with placement, the penalty for the offence committed must be deprivation of liberty.

113. As regards detention, Andorra follows Recommendation Rec (2004)10 of the Committee of Ministers of the Council of Europe, of which it is a member. The criteria set out in that recommendation are aimed at ensuring security and respect for people in democratic societies which are governed by the rule of law. The above-mentioned recommendation includes the European Code of Police Ethics, which states that arrest/deprivation of liberty should be as limited as possible and conducted with regard for the dignity, vulnerability and personal needs of each detainee. It should also provide for the safety and health of persons in pretrial detention and separate juveniles deprived of their liberty from adults. These measures are especially important for persons with disabilities who are in custody.

114. In terms of the prison environment, it is important to ensure the dignity and social integration of detainees who have some form of disability. To that end, the Government is developing a mentoring programme in order to enable such prisoners to receive the support they need during their incarceration and, once they are free, to achieve social inclusion and reintegration into society.

115. The provisions on the issues discussed above need to be amended so as to ensure that they are in line with the Convention. Owing to the complexity of the changes to be made, the bill on urgent measures for implementation of the Convention directs the Government to make the changes within a period of two years from the entry into force of the Qualified Act on Deprivation of Capacity and Guardianship Agencies (see commentary on article 12).

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

116. Article 8 of the Constitution provides that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 3 of the Constitution incorporates into the legal framework the universally recognized principles of public international law, integrates the international treaties and agreements adopted by Andorra and expressly recognizes the applicability of the Universal Declaration of Human Rights in the Principality of Andorra.

117. As noted earlier, article 9 of the Constitution recognizes the right of all persons to liberty and security. Depriving someone of those rights is lawful only when it is done for the reasons and following the procedures established in the Constitution and the law. Administrative detention may not last any longer than the time needed to conduct inquiries to shed light on a case and may never exceed 48 hours without the detainee being brought before a judge. Habeas corpus is governed by this article and is developed in articles 5 et seq. of the Transitional Act on Judicial Proceedings, of 21 December 1993.

118. The Andorran State has signed and ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984, which entered into force for Andorra on 22 September 2006, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, adopted on 26 November 1987, which entered into force for Andorra on 6 January 1997.

119. With the aim of enhancing measures for the protection of victims of crimes, in particular women and girls with disabilities, the bill on urgent measures for implementation of the Convention includes the following provision for amending the current protocols:

“Ninth final provision. Amendment of the protocols for care of victims of criminal offences

The Government is directed, within one year from the entry into force of this Act, to review the protocols for care of victims of criminal offences, to include the special vulnerability of persons with disabilities, especially of women and girls, and to enable them to enjoy their rights on an equal basis with others.”

Article 16

Freedom from exploitation, violence and abuse

120. As noted above, article 8 of the Constitution explicitly prohibits torture and inhuman or degrading punishment or treatment, including exploitation, violence and abuse.

121. The Government has protocols for the detection and treatment of such situations, it promotes training of professionals, and it works with different groups of persons with disabilities and stakeholders with a view to implementing the principles of the Convention.

122. In order to ensure healing of injuries caused by abuse of any kind, the General Health Act stipulates that health services must provide regular medical assistance with the aim of attaining full healing for anyone suffering the consequences of abuse.

123. With regard to the treatment of persons with mental health problems, in its follow-up report of 2011, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment issued a positive assessment of the state and living conditions, the staff and the treatment provided at the Mental Health Centre of Our Lady of Meritxell Hospital. The report states that patients receive adequate medical treatment and therapy. However, the protocol for providing support and the reporting process are being reviewed in the light of the Convention.

124. The Council of Europe Convention on Action against Trafficking in Human Beings entered into force for Andorra on 1 June 2011. To comply with that Convention, several measures in the sphere of criminal law have been taken. Following the recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA), a bill on measures to combat trafficking in human beings and protection of victims was drafted which includes several measures aimed at detecting and identifying victims and providing care and social, health and financial assistance to them. The bill is currently under consideration in Parliament.

Article 17

Protecting the Integrity of the Person

125. Article 8 of the Constitution establishes the right to physical and moral integrity. In many cases, persons with disabilities are at risk of harm to their integrity, owing to their vulnerability and the difficulty of obtaining information or expressing their decisions.

126. In providing protection for persons with disabilities, priority must be given to social and health services. The Social and Health Services Act establishes the right of beneficiaries to receive complete and understandable information, both orally and in writing, regarding the assessment of their situation, the benefits to which they are entitled and, when they are assisted in a centre, about the work and internal regulations of the

centre. In addition, they must be given advice and guidance to enable them to make decisions (Social and Health Services Act, art. 6 (b)). In the area of health, persons receiving assistance must also have access to necessary and truthful information and be able to express their opinion and make decisions about treatment and intervention. To that end, the bill on urgent measures for implementation of the Convention calls for the following amendments to the Act Guaranteeing the Rights of Persons with Disabilities:

“Article 8. Amendment to article 16 of the Act Guaranteeing the Rights of Persons with Disabilities

Article 16 of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall be amended to read as follows:

“Article 16. Health

[...]

4. Persons with disabilities have the right to be informed about their own health and about the health care available to them and the requirements for receiving it. The information must be accurate and comprehensive and be provided in an understandable way that is suited to the characteristics of the person concerned so that he or she can make the right decision without interference.

5. The holder of the right to information is the person with a disability, without prejudice to the need to inform that person’s parents or legal representatives, as well as other family members or persons who have previously been authorized for that purpose.

6. As regards autonomy in the area of health, persons with disabilities shall be involved in decision making throughout the process of care. To enable persons with disabilities to give their consent, they must be provided with appropriate technical aids to ensure that the information is accessible and understandable to them. If the applicable law requires that consent be given by a representative, such consent must be proportional and tailored to the circumstances of the person with disabilities, with due respect for his or her dignity and with appropriate and effective safeguards as set forth in article 12 (4) of the Convention.”

127. Article 116 of the Criminal Code (as worded in Qualified Act No. 40/2014, of 11 December, amending Qualified Act No. 9/2005, of 21 February, on the Criminal Code) broadly prohibits forced sterilization and punishes violations with imprisonment of three to ten years.

Article 18

Liberty of movement and nationality

128. Article 21 of the Constitution establishes the right of movement and residence. It stipulates that nationals and aliens who are legal residents have the right to move freely within the national territory, to enter and leave the country as provided by law and to freely establish their residence in Andorra.

129. With regard to nationality, article 7 of the Constitution provides that Andorran nationality, as well as the legal implications thereof, may be acquired, retained and lost in accordance with the regulations laid down in the Qualified Act on nationality of 5 October 1995. The Act does not impose any limits on the ability of Andorran nationals to obtain a passport on because of disability. Accordingly, persons with disabilities may move about wherever they wish, freely choose their place of residence and acquire a nationality different from the nationality of their birth.

130. This Act places no specific restrictions on the acquisition of nationality by persons with disabilities. Article 11 of the Act, as worded in article 5 of Act No. 10/2004, amending the Qualified Act on Nationality, calls for an integration test to be included in applications for Andorran nationality. Article 8 of the regulations on assessing degree of integration in Andorra, of 3 May 1996, exempts from the test persons who have serious physical,

psychological or sensory disabilities that prevent them from taking the test; such disabilities must be documented with a medical certificate issued by a qualified professional.

131. In addition, article 5 of the Social and Health Services Act, in specifying the requirements for entitlement to social and health services, allows persons with disabilities, mental health problems or serious chronic diseases to obtain benefits even if they reside abroad when they need specialized treatment that cannot be provided in the national territory.

Article 19

Living independently and being included in the community

132. Full integration in society, active participation in the community and independence and individualized care for persons with disabilities were already three of the guiding principles of the Act Guaranteeing the Rights of Persons with Disabilities. The new version of the principles included in the bill on urgent measures for implementation of the Convention (see commentary to articles 1 to 4) explicitly refers to individual autonomy, including the freedom to make one's own choices, the independence of individuals and full and effective participation and inclusion in society.

133. The Social and Health Services Act follows the same trend and establishes as a guiding principle for public action the enhancement of civic initiatives designed to promote citizen engagement in detecting and covering needs and achieving full autonomy for individuals and families. It also establishes the principle of comprehensive and people-centred assistance, which are key to preserving dignity and exercising autonomy (art 3).

134. Accordingly, the Social and Health Services Act provides for all kinds of general and specific benefits for persons with disabilities, all with the aim of ensuring autonomy and independent living. The Act provides for services such as primary care, in-home and residential care, personal assistance and financial benefits.

135. Article 17 of the Social and Health Services Act governs primary care benefits, which are designed to provide information, advice and guidance and to identify potential risks or situations of social exclusion with a view to preventing them. Thus, they further the process of inclusion, reintegration and advancement of persons with disabilities.

136. Home care benefits, which are governed by article 18 of the Social and Health Services Act, include providing advice, security, shelter, assistance, personal care and help with household chores and support for individual autonomy. This service enables people with disabilities who wish to do so to live in their community and to choose their own lifestyle.

137. When a person does not need continuous supervision or support and is able to continue living in his or her habitual place of residence but needs accommodations in order to achieve full autonomy, the technical and financial means are provided to enable him or her to benefit from technical aids and assistive devices envisaged in the Social and Health Services Act and the regulations thereto. The idea is to adapt dwellings and eliminate physical barriers and obstacles to communication, as well as to offer technical aids to prevent, compensate, mitigate or neutralize deficiencies, limitations and constraints to everyday life and participation in society.

138. In June 2014, a pilot programme was launched which involved providing flats to support independent living. The programme was promoted by an authorized private entity and was subsequently taken over and subsidized by the Government. The Ministry of Social Affairs, Justice and the Interior has assigned management of the programme to Our Lady of Meritxell Special School but continues to fund and oversee it, while ensuring that the philosophy of the programme is maintained. In particular, the guiding principle of respect for the autonomy of users has been maintained by a monitoring committee that includes representatives of the Government and of the agency that provides the service.

139. The second final provision of the Social and Health Services Act, on priorities for implementation of the Act, calls for the establishment of two basic programmes to promote

independent living: the pilot programme on personal assistance, which has already been initiated with good results, and the provision of counselling services and assistive devices, for which a property is already available and in the design stage. The programme is expected to begin in 2017.

140. The personal assistance programme is presented in a video entitled “1+1>2 Vínculos que suman” (<http://www.govern.ad/afers-exteriors/item/7606-el-ministeri-d-afers-socials-justicia-i-interior-estrena-el-documental-1-1-2-vincles-que-sumen>).

141. Measures have also been taken to assist families of persons with disabilities by providing benefits such as technological accommodations to the dwelling, home care, attendance at day-care centres and respite care programmes and family support (see chapter three, on the social services portfolio provided for in the Social and Health Services Act, and the regulations on economic benefits).

Article 20

Personal mobility

142. The Accessibility Act calls for different measures to be taken to enable persons with disabilities to enjoy maximum ease of mobility, including the requirement to ensure accessibility in different environments and remove architectural barriers in urban planning, in public places, housing, transportation and communication, especially the new technologies. As mentioned in the fourth final provision of the bill on urgent measures for implementation of the Convention, the Accessibility Act must be reviewed and amended within a period of two years.

143. Likewise, in order to ensure that persons with disabilities have access to premises that are open to the public, Act No. 11/2016, on 28 June, on Ownership and Protection of Animals, provides that service and therapy animals must have unrestricted access to such premises.

144. To reinforce the right for service and therapy animals to have access to all premises, the bill on urgent measures for implementation of the Convention calls for amending article 38 to establish as an aggravating circumstance any violation that involves blocking admission of such animals, as well as of dogs that are in training, to establishments or services that are open to the public. In particular, the amendments read as follows:

“Article 21. Repeal subparagraph (1) (c), amend subparagraph (2) (z) and add a subparagraph (2) (aa) of article 38 of the Act on Ownership and Protection of Animals.

1. The minor violation established in article 38 (1) (c) of Act No. 11/2016, of 28 June, on Ownership and Protection of Animals, shall be amended to read as follows:

“Article 38. Violations

[...]

1. The following are minor violations:

[...]

(c) Non-compliance by managers of buildings and public spaces or by owners of establishments that are open to the public or of vehicles for public use, with the exceptions envisaged in article 8, referring to dogs used by public services.

[...]

2. The serious violation established in article subparagraph (z) shall be amended, and a new gross violation shall be added as subparagraph (aa) at the end of paragraph (2) of article 38 of Act No. 11/2016, of 28 June, on Ownership and Protection of Animals, which shall now read as follows:

“Article 38. Violations

[...]

2. The following are serious violations:

[...]

(z) Non-compliance by managers of buildings and public spaces or by owners of establishments that are open to the public or of vehicles for public use, with the exceptions envisaged in article 8, referring to service or therapy dogs.

(aa) Repeated commission of minor violations.”

145. Furthermore, as already discussed above in addressing the topic of accessibility, other mobility options are available to persons with disabilities, such as a card for free access to public transportation, a parking card to allow persons with reduced mobility to park in reserved spaces, and financial assistance for adapting vehicles of persons with disabilities where needed (see commentary to article 9).

Article 21

Freedom of expression and opinion, and access to information

146. Article 12 of the Constitution recognizes freedom of expression and opinion and access to information for all persons without distinction. This precept of the Constitution is supplemented with the guarantee of freedom of ideology, religion and worship, so that no one may be required to reveal or express his or her ideology, religion or beliefs (article 11 of the Constitution).

147. These rights are interrelated, given that in order to be able to express oneself, it is necessary to have reliable information. As noted earlier, the Social and Health Services Act recognizes, in article 6 (2), the right to receive information orally and in writing, and to receive advice and guidance to enable users with disabilities to make decisions. Along with this right, professional providers have the duty to respect the decisions of beneficiaries (art 11 (c) of the Social and Health Services Act).

148. The Accessibility Act describes the types of mechanisms and technical alternatives that are available to make communication systems and signage accessible and usable for the entire population. As stated in the commentary to article 9 of the Convention, one of the main reasons for amending the Accessibility Act is to improve communication, especially in terms of the media and of access to ICTs.

149. The bill on urgent measures for implementation of the Convention calls for communication to be enhanced through recognition and use of sign language and Braille and proposes the following amendment to the Act Guaranteeing the Rights of Persons with Disabilities:

“Article 13. Amendment to article 23 (2) of the Act Guaranteeing the Rights of Persons with Disabilities.

Article 23 (2) of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall be amended to read as follows:

“Article 23. Guaranteed rights

[...]

2. The Catalan sign language shall be recognized as a language system, and it shall be learned and used with hearing-impaired and deaf-blind persons. The competent public authorities shall take steps to ensure that such persons are provided with sign-language interpretation services in order to enable them to exercise their fundamental rights, in a manner and under conditions to be established by regulation. Measures shall be taken, and assistance shall be provided to enhance communication for persons with other disabilities, especially those involving use of the Braille system of reading and writing for blind persons or persons with severe low vision.

[...].”

150. The Andorran school system guarantees that all students who need it will be able to receive instruction in Braille and sign language.

Article 22

Respect for privacy

151. Article 14 of the Constitution guarantees the right to privacy, honour and one's image and recognizes a person's right to be protected by laws against unlawful interference with his or her privacy and family life. In addition, article 15 of the Constitution guarantees the inviolability of the home, which may not be entered without the consent of the homeowner or without a warrant, except in cases of flagrante delicto; it also guarantees the secrecy of communications, except in cases where a reasoned court order has been issued.

152. Data protection is governed by Qualified Act No. 15/2003, of 18 December, on Protection of Personal Data, which covers the creation of databases and the exchange and processing of data in order to ensure full confidentiality.

153. The Social and Health Services Act recognizes in article 6 (c) the right of beneficiaries to such confidentiality and privacy and also refers, in article 11 (1) (e), to the obligation of professionals to respect these rights.

Article 23

Respect for home and the family

154. The Constitution provides, in article 33, that the public authorities must promote the conditions necessary to ensure realization of the right for everyone to enjoy decent housing. In addition, article 13 of the Constitution stipulates that the types of marriage must be established by law and that the public authorities must promote a policy of protection of the family as the building block of society, that spouses have the same rights and obligations, and that children are equal before the law, regardless of their parentage. Finally, as noted above, the Constitution guarantees the inviolability of the home and recognizes the right of persons to be protected by law against unlawful interference with their privacy and family life.

155. In order to give effect to the right to housing, the Government provides support for rental dwellings, whereby persons with disabilities and their families are among the groups that receive preferential treatment. Housing assistance was recently added to the regulations on economic benefits in the area of social and health services that were adopted under the Decree of 18 May 2016, which also provides for specific assistance to enable persons with disabilities to continue living in their own homes, as well as aid for removal of architectural barriers and adaptation of dwellings.

156. The Qualified Act on Marriage of 30 June 1995 recognizes the right to marry and to found a family. The Act allows marriage for persons of Andorran nationality who reside in the Principality and provides that both spouses have the same rights and that they have an obligation to always act in the interest of the family.

157. The Qualified Act on Marriage does not include any prohibition based on disability. Therefore, refusal to perform a marriage ceremony may in no case be based on disability. Article 27 of the Act provides that valid consent to marriage cannot be given by persons who do not have sufficient mental capacity at the time of marriage or who for psychological reasons cannot take on the essential obligations of marriage. In such cases, the civil registrar must require a medical-psychiatric report on the person's condition.

158. Article 39 (4) of the Qualified Act on Marriage provides that mental disturbance as a ground for separation. To remedy this provision, which is based solely on disability, the bill on urgent measures for implementation of the Convention calls for the Qualified Act on Marriage to be amended to exclude such a provision:

“Article 23. Amendment to article 39 (4) of the Qualified Act on Marriage

Article 39 (4) of the Qualified Act on Marriage, of 30 June 1995, shall be amended to read as follows:

“Article 39

The following are grounds for separation:

[...]

4. Alcohol or drug dependency, where the interests of the other spouse or the children make it necessary to discontinue cohabitation.”

159. With regard to the right to freely and responsibly decide on the number of children and other reproduction-related issues, the existing legislation does not place any limitations on persons with disabilities.

160. Neither is there any measure or specific exclusion regarding family planning or assisted reproduction in the case of persons with disabilities. Article 15 of the General Health Act provides that health programmes must give priority to at-risk population groups and take special measures to assist persons with disabilities.

161. With regard to maternity and paternity leave and financial benefits, the Labour Relations Code and the Social Security Act do not include additional provisions to provide compensation and equal opportunities for persons with disabilities. In the case of parents with disabilities and of the birth or adoption of children with disabilities, several measures have been taken to ensure that appropriate assistance is provided to enable them to raise the children, such as financial benefits for dependent children (article 27 of the Social and Health Services Act) or longer maternity and paternity leave and financial benefits to be applied in the situations mentioned in the bill on urgent measures for implementation of the Convention.

162. In setting the aforementioned financial benefits for dependent children, the Social and Health Services Act takes into account the higher cost of rearing a child with a disability and facilitates access by raising the income scale by 20 per cent and by also increasing by 20 per cent the level of financial assistance.

163. With regard to maternity and paternity leave, the bill on urgent measures for implementation of the Convention proposes that the Labour Relations Code and the Social Security Act should be amended as follows:

“Article 25. Amendment to article 36 (1) of the Act on the Labour Relations Code

Article 36 (1) of Act No. 35/2008, of 18 December, on the Labour Relations Code shall be amended to read as follows:

“Article 36. Maternity leave

1. The employment relationship shall be suspended for 16 weeks on account of maternity leave. In the case of multiple births, the period shall be extended by two weeks for each child, as well as where the mother has a duly recognized disability with a degree of impairment of 60 per cent or more, or where the child has a disability certified by a paediatrician who has entered into an agreement with the Andorran Social Security Fund, in all cases according to the assessment scale of the National Evaluation Commission.

[...]

“Article 26. Amendment to article 37 (1) of the Act on the Labour Relations Code

Article 37 (1) of Act No. 35/2008, of 18 December, on the Labour Relations Code shall be amended to read as follows:

“Article 37. Adoption leave

1. The employment relationship shall be suspended for 16 consecutive weeks for adoption leave; in the case of a multiple adoption, the period shall be extended by two weeks for each child adopted, as well as where one of the adopting parents

has a disability involving a degree of impairment of 60 per cent or more, or where the child has a disability certified by a paediatrician who has entered into an agreement with the Andorran Social Security Fund, in all cases according to the assessment scale of the National Evaluation Commission.

[...]

“Article 27. Amendment to article 38 (1) of the Act on the Labour Relations Code

Article 38 (1) of Act No. 35/2008, of 18 December, on the Labour Relations Code shall be amended to read as follows:

“Article 38. Paternity leave

1. The employment relationship shall be suspended for two weeks for paternity leave. This period of leave, which may be for birth or for adoption, may only be taken by the father. This period may be extended by an additional week where the minor has a disability certified by a paediatrician who has entered into an agreement with the Andorran Social Security Fund, according to the assessment scale of the National Evaluation Commission.

[...]

“Article 28. Amendment to article 153 (1) of the Social Security Act

Article 153 (1) of Act No. 17/2008, of 3 October, on Social Security shall be amended to read as follows:

“Article 153. Financial benefits

1. Wage earners and similar workers who have been covered by social security for at least six months prior and who have paid contributions for at least three months during the six months preceding childbirth or the actual arrival of a child to the family, in the event of adoption, shall be entitled to financial benefits.

[...]

“Article 29. Amendment to article 154 (4) of the Social Security Act

Article 154 (4) of Act No. 17/2008, of 3 October, shall be amended to read as follows:

“Article 154. Duration of benefit

[...]

4. Self-employed persons shall be entitled shall be entitled to a financial benefit from the day on which the period of leave begins, based on the suspension of economic activity, for a maximum period of 16 weeks, except in the event of a multiple birth or adoption, and in the event of a duly recognized disability of the mother involving a degree of impairment of 60 per cent, or of disability of the child certified by a paediatrician who has entered into an agreement with the Andorran Social Security Fund, in all cases according to the assessment scale of the National Evaluation Commission, which shall be extended by two weeks for each child or adopted minor.”

“Article 30. Amendment to article 160 (2) of the Social Security Act

Article 160 (2) of Act No. 17/2008, of 3 October, on Social Security shall be amended to read as follows:

“Article 160. Paternity benefit

[...]

2. Entitlement to a financial benefit shall begin on the same day as the period of leave, pursuant to the labour legislation. The maximum duration of this benefit for self-employed persons shall be two weeks, which may be distributed in accordance with the regulations set out in the labour legislation. This period may be extended by an additional week where the minor has a disability certified by a paediatrician who

has entered into an agreement with the Andorran Social Security Fund, according to the assessment scale of the National Evaluation Commission.

[...]"

164. There is no regulation precluding persons with disabilities from adopting. Neither is there any regulation precluding adoption of a child with a disability. The legislation and the protocols of the adoption programme are based on the principle of the best interests of the child, as provided for in the Convention on the Rights of the Child; accordingly, the same tests and requirements applied to everyone else are applied when evaluating suitability as parents.

165. The Social and Health Services Act also provides for a number of economic, technical and technological benefits, some of which are specific to persons with disabilities and their families. In particular, article 15 (2) (c) provides assistance to enable persons with disabilities to continue living in their homes, if they so wish, and other benefits which for families, such as respite services for family caregivers of persons with difficulties caused by disability, dependency or mental health problems, in order to ease the burden and reduce tension, thereby facilitating opportunities for recreation, leisure and vacations (art 21 (1) (f)).

Article 24

Education

166. The historical, geographical and institutional reality of the Principality of Andorra provides the background for a unique educational system, where three public education systems – Andorran, French and Spanish – coexist. Collaboration between the two foreign educational systems and the Andorran State is governed by the relevant agreements on education, which allow for accreditation of the courses and degrees granted by the different Administrations.

167. The Constitution provides that everyone has the right to an education, the purpose of which is to further the dignity and full development of the human personality, thus strengthening respect for freedom and fundamental rights. For its part, the Convention requires that States Parties ensure that their education systems are inclusive at all levels, without separating students.

168. Article 1 of the Qualified Act on Education, of 3 September 1993, recognizes the right of all persons to a basic education that enables them to develop their personality, to become mature citizens and to participate in the country's development. Article 2 recognizes the right of access to higher levels of education on the basis of individual aptitude, ability to seize opportunities and vocation. It also refers to academic freedom of teachers, the right of parents to choose the type of education they want for their children and the rights of students.

169. Article 8 of the Qualified Act on Education stresses the fundamental principle that assistance for students with special educational needs must be governed by the principle of inclusion.

170. In practice, when students with disabilities are at school, they benefit from personal educational projects developed by the team of educators involved in the learning experience. The education team is comprised of tutors and specialists who have been trained to work in the area of diversity and special education.

171. The aforementioned Act stipulates that education centres must ensure the full participation of students with disabilities in the different programmes proposed by the centre, including educational, social and other activities. Their participation must be guaranteed by the use, when necessary, of adaptations and reasonable accommodations.

172. These measures apply to all the education systems that have a presence in Andorra at all levels of schooling, in accordance with the existing agreements.

173. Children with disabilities receive classroom instruction in the different education systems and, if required by the circumstances, temporarily in hospitals or at home. In the school context, specific interventions may take place in environments other than the regular classroom.

174. Testing is conducted to assess the skills and expectations established for the students' personal goals, bearing in mind the specific characteristics and needs of each one.

175. Upon completion of each educational level, students with disabilities may obtain the relevant accreditation or certification on an equal footing with other students.

176. Measures related to the learning of Braille, alternative script, other augmentative and alternative means of communication, orientation and mobility skills and mentoring and peer support are guaranteed. The teaching of sign language or other alternative methods depends on whether families wish to use any particular system.

177. To ensure that students receive educational assistance from specialized professionals, who in turn should have the specific teaching tools needed to ensure follow up on students with special needs, the Government has entered into an agreement with Our Lady of Meritxell Special School for the provision of services in regular schools.

178. The National Evaluation Commission assesses disability and decides on children's access to the inclusive education programme called Progrés. Afterwards, the education commissions in the different school systems provide resources or specialized support upon request.

179. In order to adapt and implement the regulations mentioned above, the bill on urgent measures for implementation of the Convention calls for the following changes in education:

“Article 7. Amendments to article 14 (1), (2) and (5) of the Act Guaranteeing the Rights of Persons with Disabilities

Paragraphs 1, 2 and 5 of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall be amended to read as follows:

“Article 14. Education

1. Equal opportunities shall be afforded to children, young people and adults with disabilities for access to education in inclusive settings, with appropriate support and necessary reasonable accommodations, in accordance with article 24 of the Convention and the rules for implementing the right to education recognized in the Constitution. In particular, these persons shall have the right to:

(a) Free compulsory education, including at the primary and secondary levels, from ages 6 to 16. However, they also have the right to enrolment beginning at age 3 and after 16 for post-compulsory education, under the same conditions as others. The right to free education is guaranteed through public schools, and the right of access to adult basic education is ensured through the adult education system.

(b) Access to the different types of post-compulsory education and higher education once the required level of skills development has been accredited, on an equal footing with other students;

(c) School and occupational orientation towards obtaining official degrees accrediting the educational level completed or certification of courses taken and accommodation of curricula to their abilities and for the promotion of those abilities;

(d) In the case of higher education, universities must adapt their requirements for the admission and stay of persons with disabilities, as required by the person's disability and the applicable rules. In addition, conditions must be created for persons with disabilities to be eligible for exemptions from fees and other costs of higher education in the Andorran public education system.

2. Students with disabilities must attend school and benefit from an inclusive, quality education on the same conditions as other students. Schooling shall be

guaranteed under paragraph 4 of this article in cases where the severity of the disability or another exceptional situation requires continuous hospitalization involving changes in the cycle of school-based learning. The realization of the right to school enrolment of students with disabilities shall be assured as follows:

(a) Appropriate support for education consisting of the programmes, services and all support programmes designed to enable students to achieve their full potential;

(b) The educational goals for students who receive effective individual support should be the same as those of all other students, and instruction should be tailored to their individual characteristics. To this end, they have the right to have personalized curricula developed by teachers of regular schools with the participation of those responsible for providing educational support and their parents or legal representatives. On the basis of their personalized curricula, these students must receive the academic credentials corresponding to the courses they have completed;

(c) Students with disabilities must be allowed to participate in the various learning and educational activities, with adaptations and reasonable accommodation;

(d) Schools must be provided with the necessary human and material resources to provide a quality education to students with disabilities: well-trained educational and support teams, psychological and psycho-pedagogical or pedagogical advice, guidance, specific programmes and teaching materials;

(e) Students with disabilities must have access to educational guidance and timely psycho-pedagogical intervention.

[...]

5. In the effort to ensure full inclusion of all persons with disabilities in the school system, and bearing in mind the views of parents or legal guardians, when the severity of a child's disability precludes his or her continued access to the school system, the child has the right to receive special care for as long as necessary, in keeping with his or her ability, while maintaining as normal a life as possible, in accordance with the principles of the Convention.

This care must be received in Andorra provided adequate centres and services exist to treat the type of disability in question. As an exceptional measure, when required by a specific disability, care may be received abroad in previously accredited facilities, in accordance with the procedures and requirements established in the regulations.

[...]

“Article 33. Amendment to article 8 of the Qualified Act on Education

Article 8 of the Qualified Act on Education, of 3 September 1993, shall be amended to read as follows:

“Article 8.

Care for students with disabilities shall be governed by the principle of inclusion.”

“Seventh final provision. Amendment to the Act on Organization of the Andorran Education System

The Government is directed, within a period of one year from the entry into force of this Act, to adopt a bill amending the Act on Organization of the Andorran Education System, of 9 June 1994, taking into account the provisions of the Convention on the Rights of Persons with Disabilities and any amendments to the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, that may be implemented under this Act. The Act shall also specify what reasonable accommodations should be implemented in the education system under the regulations for schooling of students with disabilities.”

Article 25

Health

180. Article 30 of the Constitution recognizes the right to protection of health and stipulates that the State must guarantee a social security system.

181. The salient features of the Andorran health system are:

(a) A mixed health system: article 3 of the General Health Act establishes a number of structures and services that belong to the general Administration and others that are under its supervision. It also specifies that the Government must ensure optimal coordination between public and private health programmes while at all times respecting the essential bases and principles of freedom of professionals to practice in the various fields of health (articles 5 and 6, General Health Act);

(b) Co-payment: a co-payment formula is applied to the financing of medical acts, medicines and health products (article 135 (3) the Social Security Act);

(c) Health coverage: a portion of health-related expenses is reimbursed by social security to persons covered by the system. Article 75 (c) of the General Health Act provides that the Government budget must include an allocation to cover health care for persons who do not have social security coverage. Article 15 (1) (a) of the Social and Health Services Act refers to coverage for minimum health protection for persons or families who are in precarious situations owing to illness, functional dependency, difficulty entering the labour market or some other severe deficiency. Coverage is also provided, when necessary, in situations of extreme emergency and need, for persons requiring care for humanitarian reasons pursuant to the Universal Declaration of Human Rights (Additional Provision of the Regulations on Economic Benefits for Social and Health Services, of 18 May 2016).

182. In order to give effect to this constitutional right in the area of disability, article 16 of the Act Guaranteeing the Rights of Persons with Disabilities guarantees access for all persons with disabilities to health, rehabilitation and supplementary benefits on the terms and conditions established in the health regulations. This right is realized under article 18 (3) of the aforementioned Act by registering with and contributing to social security, which the Government finances for all persons with disabilities.

183. Article 15 of the General Health Act identifies persons with disabilities as a high-risk population group that should be the object of special health programmes. Persons with disabilities are also invited to participate in all health tests and programmes available to the general population, without distinction of any kind.

184. The right to health of persons with disabilities is supplemented by specific measures relating to co-payment. The regulations on benefits provide for reimbursement of up to 100 per cent of fees of the Andorran Social Security Fund; this provision benefits persons with disabilities who receive solidarity pensions under the Act Guaranteeing the Rights of Persons with Disabilities. Reimbursement benefits are also available to persons who still receive the pension for disabled adults (set to expire).

185. Also included in this regime are minors with disabilities, including those up to age 25 who are continuing their education.

186. The bill on urgent measures for implementation of the Convention calls for the amendment of article 16 of the Act Guaranteeing the Rights of Persons with Disabilities in order to bring it in line with the Convention and with the legislation on health. It also calls for the addition of three new paragraphs on the right of persons with disabilities to receive health information, as follows:

“Article 8. Amendment to article 16 of the Act Guaranteeing the Rights of Persons with Disabilities

Article 16 of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall be amended to read as follows:

“Article 16. Health

1. Persons with disabilities have the right to enjoy health without discrimination through access to health programmes and to health-care benefits and rehabilitation, under the terms and conditions established in the applicable regulations and according to the specific provisions of this article.
 2. For the purposes of this Act, basic benefits are:
 - (a) Preventive health programmes: genetic counselling, early diagnosis and care, immunization and other programmes that may be established under the regulations;
 - (b) Health care: primary health care, hospital care, assistance with medications and orthopaedic and support products;
 - (c) Rehabilitation;
 - (d) Transportation for health care and rehabilitation;
 - (e) Other basic benefits established in the portfolio of health services and products.
 3. The right to health is realized through the Andorran health system, in accordance with the procedure and the requirements established by law in this area.
 4. Persons with disabilities have the right to be informed about their own health and about health services that are available to them and the requirements for receiving it. Information must be accurate and comprehensive and must be provided in a manner that is understandable and tailored to the characteristics of the person needing help so that he or she can make the right decision without interference.
 5. The holder of the right to information is the person with a disability, without prejudice to the duty to inform the person's parents or legal representatives, as well as other family members or persons who have previously been authorized for that purpose.
 6. As regards autonomy in the area of health, persons with disabilities must be involved in decision making throughout the process of care. To enable persons with disabilities to give their consent, they must be provided with appropriate support measures to ensure that information is accessible and understandable to them. If the applicable law requires that consent be given by a representative, such consent must be proportional and tailored to the circumstances of the person with disabilities, with due respect for his or her dignity and with appropriate and effective safeguards as set out in article 12 (4) of the Convention.
187. With regard to the prohibition of discrimination in health and life insurance established in the Convention, a provision has been introduced in the bill on management and oversight of insurance and reinsurance of the Principality of Andorra, which is currently under consideration in Parliament and will be adopted within the next few weeks, as follows:
- “Fifth additional provision Non-discrimination on the grounds of disability
- There shall be no discrimination against persons with disabilities in contracts for health and life insurance. Denial of access to contracts, the establishment of contractual procedures other than those normally followed by the insurer or the imposition of more onerous conditions on the basis of disability are prohibited, unless they are substantiated, proportional, reasonable and duly documented according to objective criteria of public health.
188. In addition, article 54 of the aforementioned bill includes the following serious offence:
- “Article 54. Very serious offences
- [...]

(m) Discrimination against persons with disabilities in contracts for health and life insurance, under the conditions laid down in the fifth additional provision of this Act.

[...]"

Article 26

Habilitation and Rehabilitation

189. To enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life, Andorra has different means for providing the necessary habilitation and rehabilitation.

190. In the area of health, Our Lady of Meritxell Hospital has medical habilitation and rehabilitation programmes which are implemented through the national health system.

191. Under an agreement with the Government, Our Lady of Meritxell Special School offers early education programmes for all children that need it in the context of the Impuls programme. In keeping with the guiding principle of inclusion, early care programmes are offered at day-care centres with the support of a team of professionals from Our Lady of Meritxell Special School, who go to any centres that require their assistance. Similarly, Our Lady of Meritxell Hospital also has a child development unit that works hand-in-hand with Our Lady of Meritxell Special School and other stakeholders.

192. To implement its habilitation and rehabilitation programmes, the Government of Andorra has signed a cooperation agreement with the Guttmann Institute in Barcelona (Catalonia, Spain), which is internationally recognized as an institution specializing in the rehabilitation, habilitation and treatment of brain and spinal cord injuries and neurological disabilities, so that anyone can benefit from their services. The agreement also covers specialized training for Andorran professionals and collaboration in teaching and research projects. (See also the commentary to article 25, regarding health).

Article 27

Work and Employment

193. Article 29 of the Constitution recognizes the right of all persons to work, as well as to advancement through their work and to remuneration that guarantees the worker and his or her family a life that is consistent with human dignity. It also establishes a reasonable limitation on working hours and weekly rest and the right to paid leave.

194. These rights are developed in the Labour Relations Code, article 4 of which stipulates that both the employer and the worker must avoid any abuse of rights, antisocial behaviour or discrimination on grounds, inter alia, "of personal or social status." Article 75 of the Code stipulates that in exercising their power as managers, employers may organize work in the company, but they must do so while respecting the principles of equal treatment, prohibition against arbitrary action and non-discrimination.

195. Article 98 of the Labour Relations Code, concerning compensation in case of improper or unjustified dismissal, establishes special protection if it is believed that the dismissal was due to discrimination on any grounds. In addition, Andorran case law has always reversed the burden of proof when it is alleged in judicial proceedings that a dismissal was based on discrimination.

196. To promote the hiring of persons with disabilities, article 31 of the Labour Relations Code stipulates that the Labour Inspection Service may authorize employment contracts for users of job placement programmes run by the Government or entities that have signed agreements with the Government, with the prior consent, if necessary, of the National Evaluation Commission. Under this article, a total of 187 contracts were authorized in 2015 and 221 in 2016.

197. Article 19 of the Act Guaranteeing the Rights of Persons with Disabilities guarantees equal opportunities on the labour market for persons with disabilities and stipulates that any contract, covenant or agreement that creates discriminatory working conditions based on disability is null and void. Likewise, it refers to compensation and establishes a number of measures to ensure equality of opportunities.

198. One of the steps taken to promote the hiring of workers with disabilities is the provision that entrepreneurs only need to declare and make social security contributions on the portion of wages and salaries that are higher than the contribution made by the Government (second paragraph of art. 18 (3) of the Act Guaranteeing the Rights of Persons with Disabilities), which may in no case be lower than the minimum wage (€991.47 in 2017).

199. To enhance access to jobs for persons with disabilities, the Public Employment Service has set up a special plan for this group in the context of its regular services. Moreover, in the occupational programmes established by the Government every year, persons with disabilities have preferential access to public job offers.

200. To identify and support personalized occupational pathways for persons with disabilities who are looking for jobs, an interdisciplinary commission was set up which monitors and participates in the design of such plans.

201. The current legislation allows for different types of employment contracts to be drawn up depending on the level of skill of the person with a disability, as well as his or her characteristics and choices. Thus, persons with disabilities can have access to a regular job, to a job with support, to socially responsible companies and to occupational centres. In order to enable persons with disabilities to become socially engaged in the regular labour market, the Government set up a network of inclusive businesses to bring together and highlight those firms that are prepared to reserve jobs for persons with disabilities.

202. In June 2016, in its effort to work towards achieving the objectives laid down in the Convention, the Government presented its Employment Strategy for Persons with Disabilities 2016–2019. This strategy was developed according to the principles of the Convention in consensus with entities representing persons with disabilities (National Council on Disability) and in collaboration with the departments of employment and social affairs of the Government.

203. Another important issue facing workers with disabilities is that of occupational safety and health. Act No. 34/2008, of 18 December, on Occupational Safety and Health, includes provisions specifically designed to ensure the protection of workers who have a confirmed disability, bearing in mind that they may be particularly vulnerable to work-related risks.

204. Article 30 of the Act provides that risk assessments must take into account the condition of the workers so as to take appropriate preventive and protective measures. Paragraph 2 of that article provides that persons with disabilities may not take jobs when their limitations might cause them to be exposed to situations that would be hazardous to them, to other workers and/or to outside third parties. This limitation also extends to personal situations of any kind which temporarily render the worker unable to perform tasks that are not consistent with the psychological and physical requirements of the jobs they normally perform.

205. Failure on the part of an employer to take steps to prevent workplace risks gives rise to administrative, civil and criminal liability, as the case may be, for damages resulting from such non-compliance.

206. Moreover, under the legislation on occupational safety and health, article 75 of the Labour Relations Code provides that when ordering work, employers must ensure that workers are aware of the risks inherent to the job, and when assigning tasks, they must bear in mind the age and skills of workers, as well as their physical and psychological capacities, so that the work can be done without jeopardizing their integrity and health or that of other workers or third parties.

207. Despite all the measures described above, the existing legislation on occupational safety needs to be amended and expanded in order to bring it in line with the principles and measures laid down in the Convention; the precepts of the Convention need to be included in the new labour legislation as well. To that end, the bill on urgent measures for implementation of the Convention includes the following provisions:

“Article 11. Amendment to article 19 (1) of the Act Guaranteeing the Rights of Persons with Disabilities

Article 19 (1) of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall be amended to read as follows:

“Article 19. Work

The right of persons with disabilities to work on an equal basis with others is recognized, and all types of discrimination on the basis of disability in all occupations, is prohibited. To this end, the legislation on employment and labour relations shall include the provisions referred to in article 27 of the Convention on the Rights of Persons with Disabilities.”

“Third final provision. Employment Act

The Government is directed, within a period of one year from the entry into force of this Act, to adopt a bill on employment that includes and develops, in regard to workers with disabilities, the principles and criteria established in article 27 of the Convention on the Rights of Persons with Disabilities.”

Article 28

Adequate standard of living and social protection

208. Article 6 (2) of the Constitution stipulates that the public authorities must create conditions to ensure that equality and personal liberty are real and effective. Title II, chapter VI of the Constitution establishes economic, social and cultural rights, some of which make up the Andorran social protection network.

209. This social protection is based on three pillars: health, social security and social and health services. The right to health and health care has already been discussed, as well as some aspects of the other two pillars (see, in particular, the commentary to articles 25 and 27).

210. As noted above, basic social protection of persons with disabilities is established through social security; by registering with and contributing to social security, they all receive the same protection as the rest of the covered population. The Government bears the cost of the employers' contribution for this group, based on the interprofessional minimum wage.

211. The Andorran Social Security system is built on the principles of universality, unity, solidarity and equality. This system provides for two levels of protection – contributory and non-contributory – and is organized in two branches – general and retirement. Article 222 of the Social Security Act creates a special system for persons with disabilities which is linked to article 18 of the Act Guaranteeing the Rights of Persons with Disabilities. The system is subject to the general rules envisaged in the Social Security Act, except for the provisions that explicitly refer to persons with disabilities. Thus, no one residing in the country who has a disability recognized by the Administration will be excluded from coverage for health care, retirement or other risks and protected situations.

212. When they reach retirement age, persons with disabilities have access to the pension on the same basis as all other workers who contribute to social security. Article 25 (6) of the Social and Health Services Act guarantees that persons with disabilities will receive a solidarity pension of the same amount as that pension, should the applicable retirement pension be lower.

213. This social protection is supplemented with financial, technical and technological benefits for social and health services, which may be guaranteed (subjective right) or

concurrent (subject to budgetary arrangements). The main cash benefit for persons with disabilities is the solidarity pension, which is governed by article 24 of the Social and Health Services Act. This article recognizes the right to receive non-contributory pensions of persons who because of a serious disability (a minimum level of impairment of 60 per cent) are unable to work or find it extremely difficult to find or hold a job and cannot make ends meet. These benefits are intended to guarantee a minimum income (equivalent to the interprofessional minimum wage), which in 2017 was €991.47 per month) to enable persons with disabilities to live in dignity. In order to facilitate the work of these persons, the aforementioned article 25 (4) establishes compatibility between certain types of jobs and the solidarity pension up to 150 per cent of the minimum wage; above that amount, the pension is suspended, and it can be reinstated if the person loses his or her job.

214. Furthermore, to compensate individual or family expenses in cases where a family member has a disability, the threshold for access to financial benefits of social services is raised by 20 per cent. In addition, as noted above, in the case of the financial benefit for dependent children, which is guaranteed, the monthly allowance for raising each child with disabilities is increased by 20 per cent (the regular allowance is 10 per cent of the minimum wage; in 2017, that amounts to €99.14 per month, and in cases of disability, it is 20 per cent higher, or €118.96/month).

215. The economic benefits include occasional assistance in situations of need, including some specific benefits for disability (to make it possible to continue living at home, to make adaptations in the home, to obtain assistive devices and others).

216. In order to reinforce and clarify the system of social protection for persons with disabilities, the bill on urgent measures for implementation of the Convention calls for amendments to the following articles of the Act Guaranteeing the Rights of Persons with Disabilities and the Social and Health Services Act. Firstly, article 17 of the Act Guaranteeing the Rights of Persons with Disabilities must be amended, and a new article 20, on social and health services and financial benefits, must be added, in order to bring the Act in line with the Convention and the Social and Health Services Act.

“Article 9. Amendment to Article 17 of the Act Guaranteeing the Rights of Persons with Disabilities

Article 17 of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall be amended to read as follows:

“Article 17. Social and Health Services Act

1. Persons with disabilities have the right to social and health services on the terms established in the applicable legislation.
2. Social and health services consist of financial, technical and technological benefits that are part of the portfolio of social and health services.”

“Article 12. Addition of a new article 20 to the Act Guaranteeing the Rights of Persons with Disabilities

A new article 20 shall be added to the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, which was repealed under the single derogation clause, paragraph 1 (a) of Act No. 6/2014, of 24 April, on Health and Social Services. The new article shall read as follows:

“Article 20. Financial benefits

1. Persons with disabilities have the right to obtain financial benefits established by public administrations on an equal basis with others.
2. Solidarity pensions for persons with disabilities must guarantee a minimum income for persons with severe disabilities who are not able to work or who have serious difficulty finding or holding a job because of their disability and who do not have the necessary resources to live on the terms established by the applicable legislation.”

217. Furthermore, in order to help persons with disabilities improve their living standard through work when they wish to do so, beginning at the minimum retirement age, and to bring the text in line with the new regulations on social security, the bill on urgent measures for implementation of the Convention calls for a partial amendment to article 18 of the Act Guaranteeing the Rights of Persons with Disabilities.

“Article 10. Amendment to the second paragraph of article 18 (3) of the Act Guaranteeing the Rights of Persons with Disabilities

The second paragraph of Article 18 (3) of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002, shall be amended to read as follows:

“Article 18. Social security

[...]

3.

[...]

The Government shall enrol persons with disabilities in the Andorran Social Security Fund as direct contributors from the age of 18 and up to retirement under the terms and conditions established by the Social Security Act and the regulations thereto. Their contributions may in no case be lower than the rate on the minimum wage established at any time. If a person with a disability works, he or she only needs to report and contribute to the Andorran Social Security Fund, as the case may be, on that part of his or her wages that is in excess of the contribution made by the Government, bearing in mind that the total contribution may never be lower than the rate for the minimum wage.”

218. Finally, the bill on urgent measures for implementation of the Convention also calls for amending article 25 (6) of the Social and Health Services Act so as to ensure that persons with disabilities who were receiving a solidarity pension will stay at the same level when they receive the social security retirement pension, by means of a supplement to the solidarity pension for persons with disabilities.

“Article 24. Amendment to article 25 (6) of the Social and Health Services Act

Article 25 (6) of Act No. 6/2014, of 24 April, on Social and Health Services, shall be amended to read as follows:

“Article 25. Solidarity pension for persons with disabilities.

6. Retirement pension. Persons with disabilities who are covered by social security shall have access to retirement pensions on the same terms as other contributors. Should the social security retirement pension be lower than the solidarity pension for persons with disabilities that they were receiving, the Government shall guarantee the level of such pension by adding the appropriate portion of the solidarity pension for persons with disabilities, which shall be subject to the requirements for persons with disabilities established in Article 25 (2), except for the age requirement prescribed in subparagraph (b) of that article. The Andorran Social Security Fund must give one month’s advance notice of such changes and must inform the person with a disability or, if pertinent, his or her legal representatives, of the rights established in this provision.”

Article 29

Participation in political and public life

219. Articles 24 and 25 of the Constitution stipulate that all Andorran citizens of legal age have the right to vote and the right to hold public posts and positions under equal conditions. Article 16 of the Constitution recognizes the right of assembly and peaceful demonstration, and article 17 recognizes freedom of association for lawful purposes.

220. Qualified Act No. 28/2007, of 22 November, on the Electoral System and Referendums, which governs the right to vote, does not establish specific measures for persons with disabilities to exercise this right. To bring this legislation in line with the Convention, the bill on urgent measures for implementation of the Convention calls for the Government to be ordered to take the necessary legislative and operational steps to include provisions that will guarantee the exercise of this right by persons with disabilities, in the following terms:

“Sixth final provision. Amendment to the Qualified Act on the Electoral System and Referendums

The Government is directed, within one year from the entry into force of this Act, to adopt a draft qualified act on amendment of the electoral system and referendums, of 3 September 1993, to include the necessary measures to guarantee that persons with disabilities can exercise the right to vote on an equal basis with others. Such measures must ensure that procedures, facilities, approaches and election materials are appropriate, accessible and understandable, and they must also facilitate and protect the right to secrecy of the ballot.”

221. As noted above, articles 16 and 17 of the Constitution recognize the rights of association, assembly and demonstration in general. With regard to participation in policies directed at this group, the National Council on Disability, which is presided over by the Head of Government and is comprised of entities representing persons with disabilities, is charged with representing or assisting persons with disabilities and the main service providers in this area, such as Our Lady of Meritxell Special School. The ministers responsible for education, social affairs, health and accessibility, a representative of the parish councils and a representative of the Andorran Social Security Fund are also involved in these efforts.

222. On a broader basis and in accordance with article 41 of the Social and Health Services Act, the Commission on the Participation of Civil Society Organizations was set up; it is comprised of social agencies throughout the country. The Commission is a Government consultative and advisory body which aims to contribute to the development and monitoring of the National Social and Health Services Plan and to draw up proposals and recommendations for improving services and benefits. Persons with disabilities are also represented on the commission.

223. Persons with disabilities who are citizens of Andorra have political rights, and they may all participate in entities and associations, both of a general nature or specifically concerned with disability-related issues. They may also be represented on the aforementioned advisory bodies of the Government.

Article 30

Participation in cultural life, recreation, leisure and sport

224. Article 21 of the Act Guaranteeing the Rights of Persons with Disabilities establishes the right of persons with disabilities to be involved and participate on an equal basis with others in cultural, leisure and sporting activities. It also establishes the obligation of public authorities to take all measures necessary to promote sports federations and sporting events for persons with disabilities and to guarantee their rights as participants in or spectators at these events.

225. Andorra participates in Special Olympics International as a sports federation. With 50 members between the ages of 17 and 58, the federation is devoted to helping persons with intellectual disabilities integrate into society, offering them an opportunity to develop and demonstrate their skills through training in sports, including in competitions, and increasing public awareness of their capabilities and needs. Eight sports are practiced in the federation: athletics, badminton, basketball, skiing, football, judo, swimming and *petanca*. Occasionally other sports are tried, such as sailing, horse racing, curling and golf.

226. The aim of the Andorran Adaptive Sports Federation is to get persons with physical disabilities or cerebral palsy involved in sports. The Federation organizes social activities in

addition to its usual sporting disciplines, which at present are swimming, archery, hiking, handbike, tandem, skiing, tennis and paddle, and from time to time, other sporting activities.

227. Being a country of mountains and snow, Andorra has adapted ski resorts to enable persons with disabilities to practice this sport. Ski lifts to the slopes have been adapted, and monitors who have received special training accompany persons with different needs.

228. In order to fulfil the mandate in article 21 of the Act Guaranteeing the Rights of Persons with Disabilities, a programme called Integra has promoted the inclusion of 3- to 12-year-olds in recreational activities since 2002. The objective of the project is to promote the advancement of persons with disabilities through participation in leisure activities as a key tool. The Government covers the cost of the service and the staff that provides support for families.

229. In addition to the above project, there is also the project called Integra Plus, which includes in leisure activities adolescents aged between 12 and 18 and up to 21, depending on the person's individual situation. In this case, the program is coordinated and implemented by Our Lady of Meritxell Special School under an agreement with the Government.

230. As noted above, the ID card for persons with disabilities entitles them to free movies and other leisure activities.

231. The regulations on gambling include some prohibitions based on disability that are in conflict with the Convention. The bill on urgent measures for implementation of the Convention therefore calls for amendments to the Gambling Act, as follows:

“Article 31. Repeal of article 65 (1) (f) and amendment to article 65 (4) of the Act on Regulation of Gambling.

1. The prohibition in article 65 (1) (f) of Act No. 37/2014, of 11 December, on Regulation of Gambling, is hereby repealed and is now irrelevant.

2. Article 65 (4) of Act No. 37/2014, of 11 December, on Regulation of Gambling, shall be amended to read as follows:

“Article 65. Subjective prohibitions

[...]

4. Minors are exempted from this prohibition if the traditional game of *quinto* is being played.

“Article 32. Repeal of article 69 (1) (i) of the Act on Regulation of Gambling.

The prohibition in article 69 (1) (i) of Act No. 37/2014, of 11 December, on Regulation of Gambling, shall be repealed and is now irrelevant.

IV. Specific obligations

Article 31

Statistics and data collection

232. The Convention requires States Parties to collect information to be disaggregated and used to help assess the implementation of their obligations. For this reason, in coordination with the Government's Department of Statistics (<https://www.estadistica.ad/serveiestudis/web/index.asp>), procedures have been developed for collecting data and information disaggregated by cause, type, sex, age, autonomy and training, among others.

233. The Government has signed an agreement with the Institute of Andorran Studies to conduct studies and update the data collected by the Government's Social Observatory (<https://observatorisocial.ad/>), taking into account data and elements relating to disability, in accordance with the Convention.

234. In order to ensure that the information system and the indicators contain useful data on disability, the bill on urgent measures for implementation of the Convention includes a final provision that addresses such issues as follows:

“Eighth final provision. System of information and indicators

To follow up on implementation of the rights guaranteed under the Convention and to design policies for persons with disabilities, the competent specialized agencies must have a system of information and indicators that meets the requirements laid down in article 31 of the Convention. Accordingly:

(a) In fulfilling its mandate to collect, analyse and coordinate public statistical data, the Department of Statistics shall take into account in the plans and successive annual programmes it develops, a series of indicators on persons with disabilities; these must be as accurate as possible in order to monitor the rights the rights guaranteed by the Convention. This obligation applies to other public statistics developed by the different agencies of the Andorran statistical system. All official population statistics envisaged in existing statistical plans must take into account the factor of disability, provided that is technically possible and that statistical confidentiality is preserved when disseminating results.

(b) In performing the data-processing and search duties entrusted to it, the Institute of Andorran Studies must always take into account, in all its research studies and surveys, the factor of disability, the physical and social barriers that cause it and its consequences.”

Article 32

International Cooperation

235. The Government of Andorra has a master plan for development cooperation on international projects, to which must be added the principles and rights set forth in the Convention. Accordingly, the following text is included in a final provision of the bill on urgent measures for implementation of the Convention:

“Twelfth final provision. International cooperation

The overall objectives of the Government’s master plan for development cooperation must be consistent with the framework, principles and criteria of international cooperation established in article 32 of the Convention on the Rights of Persons with Disabilities. Thus, before granting public subsidies and aid for international cooperation projects or development assistance programmes, those responsible must ensure that such projects or programmes are inclusive of and accessible to persons with disabilities and that they facilitate and support capacity-building and equal recognition before the law.”

Article 33

National Implementation and Monitoring

236. Under the Convention, Andorra must designate, at a minimum, a Government agency to monitor implementation of the Convention. To this end, the ministry in charge of social affairs has been designated as the body responsible for coordinating measures for adapting to, implementing, developing and following up on the Convention.

237. The Ombudsman, whose position was created under the Act on the Establishment and Work of the Ombudsman, of 4 June 1998, has been designated as the independent mechanism to promote, protect and monitor implementation of the Convention, given that article 1 of that Act charges the Ombudsman with the mission of defending and monitoring fulfilment and application of the rights and liberties enshrined in the Constitution, in its capacity as a delegate or commissioner of Parliament. Under article 6 of the Act, the Ombudsman is independent from all other institutions. In order to explicitly establish this

role of the Ombudsman, a bill to that effect will be submitted in due course (see commentary to article 5).

238. Monitoring of civil society and in particular, of persons with disabilities and organizations representing them will be carried out by the Commission on the participation of civil society organizations in the field of social and health services, provided for in article 41 of the Social and Health Services Act, the regulations to which were approved on 20 July 2016, and in particular, by the National Council on Disability established by article 30 of the Act Guaranteeing the Rights of Persons with Disabilities as a participating consultative and advisory body, as well as for follow up, coordination and collaboration in government decision-making in the field of disability.

239. For all these reasons, the decree adopted by the Government on 9 March 2016, on implementation and follow-up of the Convention, includes the following articles:

“Article 1. National implementation and monitoring

1. For the purposes set out in article 33 (1) of the Convention on the Rights of Persons with Disabilities, the ministry responsible for social affairs is designated as the Government body responsible for issues relating to implementation of the Convention and for coordinating actions related to implementation of the Convention in different sectors and at different levels.

2. Pursuant to article 33 (3) of the Convention, in carrying out the duties referred to above, the ministry responsible for social affairs shall work closely with the National Council on Disabilities.

3. In drawing up and applying the legislation and policies necessary for implementation of the Convention, frequent consultations shall be held with persons with disabilities, who shall also collaborate actively with the National Council on Disability in that regard.

“Article 2. Amendment to the Regulations on the National Council on Disability

Article 1 of the Decree adopting the Regulations on the National Council on Disability, of 28 May 2003, shall be amended to read as follows:

“Article 1. Duties

The National Council on Disability, as the participating, consultative and advisory body for follow up, coordination and collaboration with the Government on disability-related issues, shall be responsible for carrying out the duties set forth in article 30 of the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002; it shall also:

(a) Draw up and submit proposals for improving services and benefits for persons with disabilities;

(b) Collaborate with efforts to improve coordination of work on disability-related matters carried out by different organizations of the Government and the parish councils, the Andorran Social Security Fund and the private sector;

(c) Prepare an annual report on implementation of the Act Guaranteeing the Rights of Persons with Disabilities and other disability-related actions, including proposals and suggestions considered necessary to achieve the goals set out in the applicable legislation;

(d) Be involved and participate in monitoring, at the national level, the implementation of the Convention on the Rights of Persons with Disabilities;

(e) Any other function that the Government may entrust to the National Council on Disability.

“Article 3. Statistics and data collection

1. Pursuant to article 31 of the Convention, the Institute of Andorran Studies shall collect appropriate information, including statistical data and findings of

research studies, to be used in formulating and applying policies for implementing the Convention.

2. In order to fulfil the duties mentioned above, the Institute of Andorran Studies shall collect disaggregated information, where appropriate, and shall provide guidance to different organizational areas of Government that are concerned with issues raised in the Convention, through the ministry responsible for social affairs.”

Act Guaranteeing the Rights of Persons with Disabilities

240. In order to draw up legislation that reflects the rights of persons with disabilities, the bill on urgent measures for implementation of the Convention provides, in its first final provision, that within a period of two years, the Government must adopt a bill on the Rights of Persons with Disabilities which, in accordance with the Convention, must include provisions on this matter:

“First final provision. Act Guaranteeing the Rights of Persons with Disabilities

The Government is directed, within a period of two years from the entry into force of this Act, to adopt a bill on the rights of persons with disabilities that embodies the concepts and principles of the Convention on the Rights of Persons with Disabilities and includes the provisions of this Act that amend the Act Guaranteeing the Rights of Persons with Disabilities, of 17 October 2002.”

Legislation and Regulations

International conventions and agreements

- Convention on the Rights of Persons with Disabilities of 13 December 2006 and the Optional Protocol thereto (instrument of ratification deposited on 11 March 2014)
- General comment No. 1 (2014). Article 12: Equal recognition before the law. Committee on the Rights of Persons with Disabilities
- General comment No. 2 (2014). Article 9: Accessibility Committee on the Rights of Persons with Disabilities
- Guidelines on article 14 of the Convention on the Rights of Persons with Disabilities
- Draft General Comment No. 4. Article 24. Right to inclusive education
- Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (instrument of ratification deposited on 22 January 1996), and the various protocols thereto. International Covenant on Civil and Political Rights of 16 December 1966 (instrument of ratification deposited on 22 September 2006)
- Optional Protocol to the International Covenant on Civil and Political Rights of 16 December 1966 and Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty of 15 December 1989 (instruments of ratification deposited on 22 September 2006)
- Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 (instrument of ratification deposited on 22 September 2006)
- Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979 (instrument of accession deposited on 15 January 1997)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women of 6 October 1999 (instrument of ratification deposited on 14 October 2002)
- Convention on the Rights of the Child of 20 November 1989 (instrument of ratification deposited on 2 January 1996)

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000 (instrument of ratification deposited on 30 April 2001)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 25 May 2000 (instrument of ratification deposited on 30 April 2001)
- Optional Protocol to the Convention on the Rights of the Child on a communications procedure of 19 December 2011 (instrument of ratification deposited on 25 September 2014)
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007 (instrument of ratification deposited on 30 April 2014)
- Council of Europe Convention on preventing and combating violence against women and domestic violence of 11 May 2011 (instrument of ratification deposited on 22 April 2014)
- Recommendation No. Rec (2004)10 of the Committee of Ministers of the Council of Europe
- Rome Statute of the International Criminal Court of 17 July 1998 (instrument of ratification deposited on 30 April 2001)
- European Agreement relating to persons participating in proceedings of the European Court of Human Rights (instrument of ratification deposited on 24 November 1998)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 (instrument of ratification deposited on 22 September 2006)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 26 November 1987 and the first and second protocols thereto (instrument of ratification deposited on 6 January 1997)
- Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005 (instrument of ratification deposited on 22 March 2011)
- Council of Europe Convention on Cybercrime of 23 November 2001 and the Additional Protocol thereto, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems of 28 January 2003 (instrument of ratification deposited on 13 November 2016)
- Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on Andorra of 2011
- Agreement between the Principality of Andorra, the Kingdom of Spain and the French Republic relating to the entry, movement, stay and establishment of their nationals of 27 October 2000 (entry into force: 1 July 2003)
- Agreement between the Principality of Andorra and the Portuguese Republic on the entry, movement, stay and establishment of their nationals of 1 March 2003 (entry into force: 1 September 2008)

Domestic legislation

- Constitution of the Principality of Andorra of 14 March 1993
- Act Guaranteeing the Rights of Persons with Disabilities of 17 October 2002
- Act No. 1/2015 on the Eradication of Gender-based and Domestic Violence
- Accessibility Act of 6 April 1995
- Regulations on Accessibility of 8 June 1995

- Decree amending the Regulations on Accessibility of 23 November 2005
- Decree amending the Regulations on Accessibility of 11 March 2015
- Act No. 13/2012 of 12 July, on Ownership and Protection of Animals
- Urban Property Rental Act of 30 June 1989
- Act No. 1/2014, of 23 January, amending the Urban Property Rental Act of 30 June 1999
- Civil Protection Act of 20 November 1984
- Qualified Act No. 15/2004, of 3 November, on Deprivation of Capacity and Guardianship Agencies
- Act No. 27/2013, of 9 December, amending Qualified Act No. 15/2004, of 3 November, on Deprivation of Capacity and Guardianship Agencies
- Qualified Act No. 10/2005, of 21 February, amending the Code of Criminal Procedure
- Qualified Act No. 9/2005, of 21 February, on the Criminal Code
- Act No. 16/2008, of 3 October, amending Qualified Act No. 9/2005, of 21 February, on the Criminal Code
- Qualified Act No. 91/2010, of 16 December, on articles 113, 114, 476 and 478 of Qualified Act No. 9/2005, of 21 February, on the Criminal Code
- Qualified Act No. 18/2013, of 10 October, amending the Code of Criminal Procedure
- Qualified Act No. 40/2014, of 11 December, amending Qualified Act No. 9/2005, of 21 February, on the Criminal Code
- Qualified Act on Nationality of 5 October 1995
- Qualified Act No. 10/2004, of 27 May, amending the Qualified Act on Nationality
- Qualified Act No. 15/2006, of 27 October, amending the Qualified Act amending the Qualified Act on Nationality of 5 October 1995
- Rules for assessing sufficient integration in Andorra of 3 May 1996
- Act No. 9/2012, of 31 May, amending the Qualified Act on Immigration
- Act No. 16/2013, of 10 October, amending Act No. 9/2012, of 31 May, amending the Qualified Act on Immigration
- Act No. 6/2014, of 24 April, on Social and Health Services
- Qualified Act No. 15/2003, of 18 December, on Protection of Personal Data
- Civil Registration Act of 11 July 1996
- Qualified Act on Marriage of 30 June 1995
- Qualified Act No. 14/2004, of 3 November, amending the Qualified Act on Marriage
- Qualified Act No. 3/2012, of 19 April, amending the Qualified Act on Marriage
- Qualified Act No. 4/2005, of 21 February, on Stable Conjugal Unions
- Qualified Act No. 34/2014, of 27 November, on Civil Unions and amending the Qualified Act on Marriage of 30 June 1995
- Legislative Decree of 16 September 2015 on publication of the consolidated text of Act No. 17/2008, of 3 October, on Social Security
- Regulations on Benefits for reimbursement of up to 100 per cent of medical fees of the Andorran Social Security Fund

- Qualified Act on Adoption and Other Forms of Protection for Abandoned Children of 21 March 1996
 - Qualified Act on Education of 3 September 1993
 - Act on the Organization of the Andorran Education System of 9 June 1994
 - Decree on Regulations for Enrolment of Students with Disabilities in Regular Education of 3 December 2008
 - Act No. 9/2014, of 3 June, on Study Grants
 - Universities Act of 30 July 1997
 - Consolidated text of the articles of the General Health Act of 20 March 1989, with all amendments, additions and clarifications provided by Act No. 1/2009 of 23 January
 - Act Regulating the Actions of Insurance Companies of 11 May 1989
 - Act No. 12/2015, of 16 July, amending the Act Regulating the Actions of Insurance Companies of 11 May 1989
 - Act No. 35/2008, of 18 December, on the Labour Relations Code
 - Act No. 34/2008, of 18 December, on Occupational Safety and Health
 - Legislative Decree adopting the Consolidated Text of Qualified Act No. 28/2007, on the Electoral System and Referendums
 - Qualified Act No. 19/2012, of 11 October, amending Qualified Act No. 16/2008, of 3 October, amending the Code of Criminal Procedure of 10 December 1998
 - Qualified Act No. 16/2008, of 3 October, amending the Qualified Act amending the Code of Criminal Procedure of 10 December 1998
 - Qualified Act No. 10/2005, of 21 February, amending the Code of Criminal Procedure
 - Qualified Act amending the Code of Criminal Procedure of 10 December 1998
 - Code of Criminal Procedure of 16 February 1989
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